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EASTERN

F.O.
371

1947

PALESTINE

File No. 568

CLOSED
UNTIL

1978

61869

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Reference: **FO** 371 / 61869

E

1947

PALESTINE

E 568

17 JAN

Registry
Number

FROM

No.

Dated

Received
in Registry

E 568/508/31.

Draperd Smith
Colonial Office

75725/47

to Mr. Barker

14 Jan 1947

17 Jan 1947

Palestine Judicial System.

Re: 70. letter (E 9014/3274/31) of Jan 2.
a proposal by Palestine Govt to abolish right
of election to be tried by a British Judge
in the case of litigants appearing before District
Courts or the Supreme Court. Encloses
copy of telegram from Palestine 1253 stating
that matter is now urgent and the success
of the new policy may be jeopardised if right remains

Last Paper.

(E 9014/3274/31)

1945

References.

E 9550/491/89

(Print.)

61869

(How disposed of.)

apt. M. Draperd
Smith

C.O.

from Mr. Barker

✓ Jan. 24

(Minutes.)

The Colonial Office are right in thinking that the situation in the Levant States is now cleared up. We have concluded an Agreement with the Syrian Government about the Mixed Courts and we are concluding a similar one any day now with the Lebanese Government. Under these Agreements we accept the fact that all cases should be dealt with by local judges, on the understanding that cases pending before the Mixed Courts should now be dealt with by a special panel of local judges with Mixed Court experience, and that all cases involving personal status of foreigners should be dealt with according to their national law.

The net result is that there is now no question of foreign judges functioning in the Levant States and there seems to be no reason why a similar arrangement should not be made in Palestine. We should, however, inform the United States and French Governments, with whom we kept in close touch over the Levant States Mixed Courts, of our intentions in Palestine.

Draft herewith.

J. G. S. Beith

J. G. S. Beith
18th January, 1947.

Legal Adviser First.

At present we have undertaken to administer Palestine in accordance with the mandate and in terms which I think mean that we will not do anything which we could not have done in the time of the League of Nations off our own bat (i.e. without obtaining the assent of the Council of the League) without consulting U.N.O. Although technically what is now proposed is to do something which we could not have done without obtaining the assent of the Council of the League, I

think/

(Action
completed.)

(Index.)

✓ E 9014/3274/31

✓ 16/1/48

Next Paper.

1967

32003 F.O.P

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think the draft is all right and that, provided we do tell France and the United States and they do not raise any objection, we need not consult U.N.O. In other words, I think that, unless France or the United States make any trouble, no one else will over this particular point.

W. B. Beckett
20th January, 1947.

W. B. Beckett
21/1

In P.P. Pictorial 253 7/7.
We ought now to inform the French and U.S. Govt. through our Missions of what we propose. But the Co. will first have to let us have a slightly more detailed statement. Mr. MacIntosh has promised to look up the pp. and see if he has details of the new Bill.

Mr Vincent Evans
(see E3274/3274/31
1/45)

J.B. Aug 21

Bu. Sept. 10th

Bu. with letter now on its way from Co. If not arrived on

Sept. 25 JB Sept. 11

In P.P. C.O. tel 1923 24/aug.
Bu. Sept. 10th
JB Sept. 12

2/7

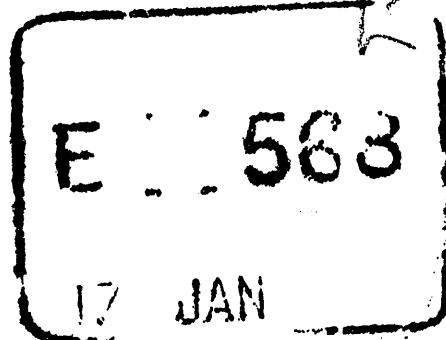
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Reference: **FO** 371 / 61869



75125/47



Colonial Office,
Downing Street,
S.W.1.

14 January, 1947.

Dear Baxter

Please refer to your letter E9017/3274/31 of the 2nd January, 1946 about the proposal made by the Palestine Government to abolish the right of election to be tried by a British judge in the case of litigants appearing before District Courts or the Supreme Court.

2. I enclose a copy of a telegram on this subject from which it will be seen that the matter has now become urgent. Presumably the situation in the Levant States is now sufficiently clear to enable some assessment to be made of the position there. We should be glad to know whether you are now able to agree to the change being made, subject to prior notification of our intention to the interested foreign governments.

Yours sincerely

Trifford Smith

C.W. BAXTER, ESQ., C.M.G.

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COPY

INWARD TELEGRAM

Cypher (O.T.P.)

FROM PALESTINE (O.A.G.)

TO S. OF S., COLONIES.

D. 9th January, 1947.
R. 9th " " 12.05 hrs.

IMPORTANT
No. 53

Your secret savingram No. 590 of 14th August, 1945.

Abolition of the right of Election.

In view of your telegram No. 1850 of 30th September 1946 approving abolition of distinction in status and jurisdiction between British and Palestinian Judges, this is now a matter of urgency, and the success of the new policy may be jeopardised if the right of election remains. Grateful if you will approach the Foreign Office again on this subject.

2. If conclusion is reached that there would be difficulty in resisting possible objections of the United States and other foreign countries to trial of their citizens by Palestinian Judges, the Chief Justice has suggested consideration might be given to preserving right of such citizens to elect for trial by a British Judge. But I agree with him that this compromise should be considered only in the last resort, and it would appear to be extremely doubtful whether at present day such an expedient would be practical politics.

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Registry
No. E. 568/568/31

Top Secret.
Secret.
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Restricted.
Open.

JGSB.

Draft.

Mr. Trafford Smith,
COLONIAL OFFICE.

From Mr. Baxter

*Legal Adviser
first*

*H. C. Bevis
Jan 18*

*(See in this
Connexion Bevis
letter to Boyd
Shannon of the
D.O., copied to J.S.
Bennett
under ref.
your dept.,
E 9550/491189
of Oct. 18).*

FOREIGN OFFICE, S.W.1.

OUT FILE

January, 1947.

Dear Trafford Smith,

Thank you for your letter No. 75125/47

of January 14th about the wish of the Palestine Government to abolish the right of election to be tried by a British judge for litigants appearing before District Courts or the Supreme Court.

The position as regards the Mixed Courts in Syria and the Lebanon is now cleared up. We have concluded an Agreement with the Syrian Government (and will shortly conclude a similar one with the Lebanese Government) accepting the abolition of the Mixed Courts, on the understanding that cases hitherto pending before the Mixed Courts should be dealt with on the basis of the existing pleadings in French by a special panel of local judges with Mixed Court experience, and that cases involving the personal status of foreigners should be dealt with on the basis of their national law. The principle is thereby established that local judges have jurisdiction in every kind of case, and there appears to be no reason why a similar arrangement should not be introduced in Palestine.

I draw your attention, however, to point one in the third paragraph of my letter of 9th July, 1945, to Eastwood, regarding the need to keep ~~other~~ *other foreign* Governments informed of our intentions. We have been in close touch with the French and United States Governments on the question of the Mixed Courts in the Levant States and we would wish to keep them informed in advance of what we propose in Palestine. I do not think it will be necessary to inform any other Governments in advance.

*Yours Sincerely
(Sgd.) C.W. Baxter.*

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OUT FILE

FOREIGN OFFICE, S.W.1.

24th January, 1947.

(E.568/568/31).

Dear Trafford Smith,

Thank you for your letter No.75125/47 of the 14th January, about the wish of the Palestine Government to abolish the right of election to be tried by a British judge for litigants appearing before District Courts or the Supreme Court.

The position as regards the Mixed Courts in Syria and the Lebanon is now cleared up. We have concluded an Agreement with the Syrian Government (and will shortly conclude a similar one with the Lebanese Government) accepting the abolition of the Mixed Courts, on the understanding that cases hitherto pending before the Mixed Courts should be dealt with on the basis of the existing pleadings in French by a special panel of local judges with Mixed Court experience, and that cases involving the personal status of foreigners should be dealt with on the basis of their national law (See in this connexion Beith's letter to Boyd Shannon of the Dominions Office, copied to J.S. Bennett of your department, under reference No.E.9550/491/89 of the 18th October.) The principle is thereby established that local judges have jurisdiction in every kind of case, and there appears to be no reason why a similar arrangement should not be introduced in Palestine.

I draw your attention, however, to point one in the third paragraph of my letter of the 9th July, 1945, to Eastwood, regarding the need to keep certain foreign governments informed of our intentions.

Trafford Smith, Esq.,
Colonial Office.

/We

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6

We have been in close touch with the French and United States Governments on the question of the Mixed Courts in the Levant States and we would wish to keep them informed in advance of what we propose in Palestine. I do not think it will be necessary to inform any other Governments in advance.

Yours Sincerely

(Sgd.) (C.W. Baxter).

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568/568/71

INWARD TELEGRAM

Cypher (O.T.P.)

FROM PALESTINE (Gen. Sir A. Cunningham)

TO S. OF S., COLONIES.

D. 7th July, 1947.

R. 7th " " 23.00 hrs.

No. 253 Secret

Your savingram No. 43.

Abolition of rights of election.

It is proposed to introduce legislation at an early date abolishing rights of election in Magistrate's Court and in District Court. Bills will be published within next two or three weeks. The right to elect will be retained in Courts of appeal for the present, but it is proposed to abolish this right also within next twelve months.

Colonial Office Reference No. 75125/47

With the compliments of the U.S. of S.
Colonial Office.

Date 11 7 47

Reference 568/568/31

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INDEXED

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OUTWARD TELEGRAM

568 568 31, 8
28 AUG 1947

75125/47

INDEXED

Cypher (O.T.P.)

TO PALESTINE (Gen. Sir A. Cunningham)

FROM S. OF S., COLONIES.

Sent 24th August, 1947. 14.00 hrs.

No. 1923 Secret.

Your telegram No. 253.

Abolition of rights of
election.

Grateful for two copies of
Bill by air mail if already
published or of final draft if
not, in order that Foreign Office
may take action to inform French
and U.S. Governments of our
intentions in this matter (paragraph
2 of my telegram No. 43 Saving refers).

Colonial Office Reference No. _____

With the compliments of the U.S. of S.

Colonial Office.

Date 26 AUG 1947

Reference your (E 568/568/31) of 24.1.47

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PALESTINE

6 MAR

Registry
Number

FROM

No.

Dated

Received
in Registry

E1967/568/31

C.O.

Bound.

75/25/47

4 Mar 1947

6 Mar 1947

Palestine Judicial System

Refer to letter (E 568/568/31) of 24/1.

Enclosed copies of C.O. Tel. 1043 of 11/11/47

to H/C Palestine. Stating agreement concluded
with Syrian Govt and Shortley to be
concluded with Release Govt, accept abolition
of the mixed courts and thereby establishes
the principle that legal order has prevailed
in every kind of case.

Last Paper.

568

(Minutes.)

B. Mar 6

References.

(Print.)

(How disposed of.)

(Action
completed.)

58/11/6/3

(Index.)

10/5/48

Next Paper.

8645

32003 F.O.P.

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6 MAR

Colonial Office 45125/47.
 2 MAR 1967
 (E. 568/568/31) — 24. 1. 47.

Saving.

From the Secretary of State for the Colonies.

To the Officer Administering the Government of PALESTINE

Date 4 March, 1947.

No. 43 Saving. SECRET.

-568/168/11
Your telegrams No. 53 and 359.

Abolition of the right of election.

Foreign Office stated that the position as regards the Mixed Courts in Syria and the Lebanon is now cleared up. Agreement concluded with the Syrian Government, and shortly to be concluded with the Lebanese Government, accepts the abolition of the Mixed Courts and thereby establishes the principle that local judges have jurisdiction in every kind of case. There appears to be no reason why a similar arrangement should not be introduced in Palestine.

2. Foreign Office draw attention, however, to point one in the third paragraph of their letter of the 9th July, 1945, copy enclosed in my No. 590 Saving of the 24th August, 1945, regarding the need to keep foreign Governments informed of our intentions. The Foreign Office have been in close touch with the French and United States Governments on the question of the Mixed Courts in the Levant States, and they would wish to keep them (but not other Governments) informed in advance of what is proposed in Palestine.

3. You will no doubt acquaint me with details of proposed action in order that the Foreign Office may inform the French and United States Governments accordingly.

SECRET.

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E 8645

12

1947

PALESTINE

Registry Number E 8645/568/31

FROM W.O.B. Macdonald

No.

Dated

Received in Registry

Last Paper

1967

References

(Print)

(How disposed of)

Dpt. W.O.B. Macdonald

from table

(with note for concurrence)

Dpt. Amb. Chancery

Nov. 19

Amb. Chancery

(Action completed)

J.L.W. 20/1

(Index)

10/8/48

Next Paper

Palestine Judicial System

Repeats (E 568/568/31) New read copies of the bill to amend Courts Ordinance 1940 and a new to abolishing the right of election, also copy of Courts Ordinance 1940, from which the legal advisers might be able to determine what information of H.M.G. intentions should be made to the French and American Govts.

(Minutes.)

The Palestine Govt. have long been anxious to abolish the right, now enjoyed by foreigners in Palestine, to be tried by British judges. This proposal was considered in some detail on E 3274/3274/31 (of 1945), when it was decided to approve it in principle, with two reservations:

- (a) That action should be deferred until the question of the Mixed Courts in the Levant States had been settled;
- (b) That the U.S., French and, possibly, certain other Govts. should first be informed of our intentions.

On E 568/568/31, it was decided that the condition in (a) above had been fulfilled and that we should now ask the Govt. of Palestine to state their intentions in detail, so that the U.S. and French Govts (Mr. Beckett gave it as his opinion that no other Govts. need be consulted) could be informed.

We have now received a copy of the amending bill and of the Ordinance of 1940 which it is proposed to amend.

/ Eastern

38538

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Eastern Dept. would be grateful for the advice of Mr. Evans on the form in which the U.S. and French Govts. should be notified of these changes. It would be presumably be preferable to send them ~~as~~ a résumé of the proposed changes, rather than extracts from the various ordinances and bills.

J. E. Cable
(J.E. CABLE)
22/9

Mr. Evans

I think a brief explanation of the proposed change together with a suitable reference to the position in the Levant State is all that is required.

W. V. Evans
W.V. EVANS
23/9

I now submit a draft dispatch

J. E. Cable
(J.E. CABLE)

Mr. Evans again

It is not, I understand from Palestinian ~~tele~~ telegram of 25 July, proposed to abolish the right of election in the Courts of Appeal (Supreme Court) immediately but only in the Magistrate's Court (which I take to be the Court of Criminal Justice) and the District Court.

I think as this is really a C.O. matter it would be well to clear the draft dispatch to Paris and Washington with them first.

W. V. Evans
W.V. EVANS
26/9.

Letter to Mr. Mathieson enclosing copy of draft (which has been approved by Mr. Garton)

B.V. 7/10

J. E. Cable
29/9
/Draft

12A

8) ~~W. V. Evans~~ Mathieson
F.O.
+ 1. for inward transmission to
H/C Jerusalem
✓
Oct
Nov. 19

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It ~~is~~ extraordinarily
unrealistic to send there off
just now. Is it really necessary?

W.B.

9.X

This proposal was first revised by the
Govt. of Palestine in May 1945 and
was, at our request, deferred until the
question of Mixed Courts in the Levant
States had been settled. Mr. Beckett
gave it as his opinion that we ought
to inform the U.S. and French Govts
that we proposed to abolish judicial
privileges embodied in the original mandate
for Palestine. Legally the position is the
same to-day. It can certainly be
argued that, as they will ~~for~~
these privileges will inevitably cease to
apply as soon as we evacuate Palestine,
it is unnecessary to notify the U.S. /and

Nothing to be Written in this Margin.

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Minutes.

and French Govts. of our decision
to anticipate the inevitable by, at
most, twelve months. ~~U.S.~~

On the other hand, the
imminence of British withdrawal
has not been allowed to affect
our other obligations as the
mandatory power. This notification is admittedly
only an act of courtesy, since
no U.S. or French objection could
be effective. Nevertheless, I see no compelling
reason why we should omit
it.

[Signature]
(S.E. CABLE)

I think it is only right 10/10
to do this. We ought to
maintain the normal contacts
as long as we exercise the
Mandate

J.S. Beint
Oct. 10

Draft discussed with Mr.
Burrows and amended

[Signature]
15/11

13A

Nothing to be Written in this Margin.

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Minutes.

Draft amended as suggested by C.V.

In P. P. W. A. L. Matheson
75125/47 5 at Cable 7/10

19/11

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Registry
No. 8645/568/31

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J.E.C.

~~Draft.~~ Despatch.

H.M. Ambassador,
Paris.

No.....

H.M. Ambassador
Washington.

No.....

NOTHING TO BE WRITTEN IN THIS MARGIN.

propose to introduce a
bill amending the
procedure in Magistrates'
courts and lower courts,
which for so as to
bring this into conformity
with that now proposed
for the higher courts.

Copies to:

C.O. (Mr. Mathison)

High Commissioner
Jerusalem

15 8pm
FOREIGN OFFICE, S.W.1.

3rd October, 1947.

Sir,
My Lord,

I shall be grateful if Your Excellency
Your Lordship

will notify the Government to which you are
accredited that the Government of Palestine
propose to amend the Courts Ordinance of 1940
in such a manner as to abolish the existing right
of election, whereby a party in a case before
the Court of Criminal Assize or a District
Court is entitled to claim that a British Judge
shall try his case. The Govt. of Palestine also

2. The origin of this right is as follows.
Certain Powers possessed capitulatory rights
in Palestine under the Turkish régime. When
Palestine became a British Mandate, it was
decided that the capitulations should be
suspended but that a particular obligation in
regard to the administration of justice should
be placed on the Mandatory Power. Article IX
of the Mandate accordingly laid down that "The
Mandatory shall be responsible for seeing that
the judicial system in Palestine shall assume
to foreigners, as well as to natives, a
complete guarantee of their rights".

3. This article of the Mandate was
originally implemented by an Order-in-Council
giving nationals of any European or American
State and of Japan the special rights mentioned
in paragraph 1 above. These rights were
gradually extended so as to apply, first to all
foreigners, and, in 1935, to all persons in
Palestine whether foreigners or Palestinians.

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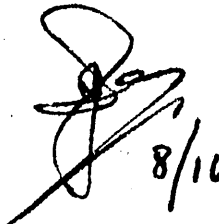
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4. Palestine has now reached a stage in her development where it is no longer considered either necessary or advisable to draw any distinction between British and Palestinian judges. These considerations are reinforced by the increase in the volume of litigation and the shortage of British judges. The action proposed by the Government of Palestine is analogous to that taken by the Syrian and Lebanese Governments when, by agreement with His Majesty's Government and the Governments of France and the United States, they abolished the "Mixed Courts" dealing with all cases concerning the rights and property of foreigners and substituted a new system whereby such cases were taken by local judges in the same courts as cases concerning Syrian and Lebanese nationals.

5. His Majesty's Government do not foresee any objection to these proposals but have thought it preferable, as a matter of courtesy, to give advance notice of them to the French and United States Governments.

6. I am addressing a similar despatch to His Majesty's Ambassador at Washington
Paris
and a copy is being sent to the High Commissioner for Palestine.

I am etc.


8/10

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E 3345

Colonial Office,
Church House,
Great Smith Street,
S.W.1.

enter 16
E

My Reference 75125/47

Your Reference

17th September, 1947.

My dear Beith,

We have had telephone conversations about the proposal in Palestine to abolish the rights of foreigners to elect to be tried by a Court consisting of British Justices only. (Your reference is E568/568/31).

You will have seen that we telegraphed to Palestine (telegram No. 1923 Secret of the 24th August, copy to you) asking for a copy of the Bill to amend the Courts Ordinance 1940, with a view to abolishing the rights of election.

We have now received a copy of the Bill which is to be found at page 344 of Supplement No. 5 to The Palestine Gazette No. 1596 of 17th July, 1947, of which I enclose a copy. I also enclose a copy of the Courts Ordinance 1940, and from this document perhaps your Legal Advisers would be able to determine what intimation of our intentions should be made to the French and American Governments.

*Yours ever,
W.A.C. Mathieson*

(W.A.C. Mathieson)

J.G.S. BEITH, ESQ.,
FOREIGN OFFICE.

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The following DRAFT ORDINANCE is made public prior to enactment in accordance with Article 17(1)(d) of the Palestine Order in Council, 1922, as amended by Article 3 of the Palestine (Amendment) Order in Council, 1923.

7th July, 1947.
(M/74/35).

J. B. PRUEN
Clerk to the Advisory Council.

AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW REGULATING
THE PRACTICE OF MEDICINE.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof :—

1. This Ordinance may be cited as the Medical Practitioners Ordinance, 1947.

2. In this Ordinance —
- “diploma” means diploma, degree, fellowship, membership, licence, authority to practise, letters, testimonial or certificate, or other status or documents granted by any university, corporation, college, or any other body, or by any department
- Interpretation.

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of, or persons acting under the authority of, the Government of any country or place;

"Director" means the Director of Medical Services, and includes the Deputy Director and any officer of the Department of Health appointed by the Director to perform any duties under this Ordinance;

No. 1 of 1945.

"person authorised to practise dentistry" means any person who, under section 4 of the Dentists Ordinance, 1945, is authorised to practise dentistry;

"person authorised to practise medicine" means any person who, under section 4, is authorised to practise medicine;

"the practice of medicine" includes the performance of any examination, diagnosis or treatment of, or the giving of any prescription for, sick or injured persons; the attendance of women in connection with child-birth or the performance of such other services as are normally performed by a physician, surgeon or obstetrician.

Practice of
medicine only
by authorised
persons.

3.—(1) No person shall practise, or hold himself out, whether directly or by implication, as practising, or being prepared to practise, medicine unless he is a person authorised to practise medicine.

(2) Nothing in this section shall operate to prevent —

(a) a person authorised to practise dentistry, a licensed pharmacist or a person authorised to practise midwifery from practising in accordance with the Ordinance governing his profession;

(b) a nurse or any other person from nursing the sick;

(c) any person from giving occasional advice or treatment without profit or remuneration or from working under the direct personal supervision of a person authorised to practise medicine.

Persons
authorised
to practise
medicine.

4. The following persons are authorised to practise medicine —

(a) persons who are, or who are deemed to be, the holders of a licence to practise medicine granted under this Ordinance;

(b) persons who are the holders of a provisional permit to practise medicine granted under section 5.

Licences and
provisional
permits.

5.—(1) Licences to practise medicine will only be granted to persons who are Palestinian citizens, or who have received permission to remain permanently in Palestine.

(2) Application for a licence to practise medicine by any person who is a Palestinian citizen or who has received permission to remain permanently in Palestine, shall be made to the Director who, subject to the provisions of section 6 of this Ordinance, shall grant such licence on being satisfied that the applicant —

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Reference:

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- (a) is of good character;
- (b) has studied medicine for a period of at least five years in a university or medical school recognised by the Director and has obtained a diploma recognised by the Director;
- (c) has not lost his Palestinian citizenship or permission to remain permanently in Palestine.

(3) The High Commissioner may cancel the licence to practise medicine granted to any person under subsection (2) hereof if he is satisfied that such person is no longer entitled to remain permanently in Palestine:

Provided that —

- (a) no order for cancellation shall be made unless the person concerned has had an opportunity of submitting to the High Commissioner a written statement of his case; and
- (b) nothing in this subsection contained shall be deemed to restrict the right of the Director or any person aggrieved to complain to the High Commissioner under section 9, or of the High Commissioner to cancel or suspend any licence to practise medicine in accordance with the provisions of that section.
- (4) A fee of two pounds shall be charged on the grant by the Director of a licence to practise medicine.
- (5)(a) The Director may, in any case where he considers it necessary, or pending the completion of formalities for the grant of a licence, grant a provisional permit to practise medicine for a period not exceeding six months; and may thereafter renew such permit at his discretion;
- (b) A fee of five hundred mils shall be charged on the grant of a provisional permit to practise medicine granted under this subsection, and for each renewal thereof;
- (c) The holder of a provisional permit shall surrender such permit to the Director on the date of expiry thereof.

6. The High Commissioner may on or before the thirty-first day of December in each year, by notice in the *Gazette*, prescribe the maximum number of licences to practise medicine which may be granted by the Director during the year commencing on the first day of January next following the date of such notice to persons who apply therefor under subsection (2) of section 5, and the Director shall not, in the course of any year, grant to such persons a greater number of licences to practise medicine than the maximum prescribed by the High Commissioner under this section in respect of such year:

Provided that, if at any time, a number of applicants under subsection (2) of section 5 exceeds the number of licences to prac-

Power of High Commissioner to restrict number of licences which may be granted to applicants under section 5(2).

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Power of High Commissioner to grant licences in certain cases.

Appeal against
refusal of or
failure to grant
licence.

8. Any person aggrieved by any refusal, or failure for a period of six months from the date on which he applied for a licence, of the Director to grant a licence to practise medicine may within three months after receipt by him of notification of such refusal or within three months next after the said period of six months from the date on which he applied for the licence, appeal against the refusal or failure, as the case may be, to the Supreme Court sitting as a High Court, and in any such appeal the Supreme Court

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may give such directions in the matter as it thinks proper, including any direction as to the costs of the appeal; and the order of the Supreme Court shall be final and conclusive.

9.—(1) Where it appears to the High Commissioner, upon complaint of the Director, or of any person aggrieved, that a person authorised to practise medicine —

- (a) has been guilty of unprofessional conduct as a person authorised to practise medicine; or
- (b) obtained his licence or permit by misrepresentation; or
- (c) has proved himself incapable or grossly negligent in the performance of his duties as a person authorised to practise medicine; or
- (d) has persistently contravened or failed to comply with the provisions of this Ordinance; or
- (e) has been convicted of a criminal offence other than an offence under this Ordinance,

the High Commissioner may, by order under his hand, cancel the licence or permit or direct that it shall be suspended for such time as may be fixed by him in such order :

Provided that no order for cancellation or suspension under this subsection shall be made unless the person complained against has had an opportunity of submitting a written statement in his defence and of stating his case before a Committee composed of the Director and such persons, one of whom shall be the Attorney General's representative, as the High Commissioner may nominate.

(2) The Committee referred to in subsection (1) shall submit a report in writing to the High Commissioner.

(3) For the purposes of this section, a person shall be deemed to have had an opportunity of submitting a written statement in his defence if, at least thirty days before the order for such cancellation or suspension is made, a notice regarding the proposed cancellation or suspension is served on him personally, or by leaving it for him at his last known address, or by sending it through the post in a registered letter addressed to him at his last known address.

(4) The Director may, by order under his hand, cancel any licence or permit to practise medicine granted under this Ordinance if he is satisfied that the holder thereof —

- (a) is no longer entitled to remain permanently in Palestine, or
- (b) has died.

(5) Upon the issue of an order for cancellation or suspension under this section the holder of the licence or permit which is can-

Cancellation
and suspension
of licences and
permits.

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celled or suspended or, in the case where the holder has died, his legal personal representative, shall deliver his licence or permit to the Director.

(6) Any person aggrieved by any order for cancellation or suspension under this section may, within three months after receipt of notification of the making of such order, appeal against such order to the Supreme Court sitting as a High Court, and in any such appeal the Supreme Court may give such direction in the matter as it thinks proper including any direction as to the costs of appeal, and the order of the Supreme Court shall be final and conclusive.

Possession and use of drugs, etc. by persons authorised to practise medicine.
Cap. 110.

10. A person authorised to practise medicine may possess and use such drugs and medicines as are required for the treatment of patients on his premises, and for emergency use but he shall not dispense or supply drugs or medicines to his patients for use in their homes, save in accordance with the provisions of the Pharmacists Ordinance, and he shall be subject to the provisions of any legislation in force with regard to the possession or use of drugs or poisons.

Use of terms implying qualification.

11.—(1) No person, other than a person authorised to practise medicine, shall use the title of "medical practitioner", "physician", "surgeon", "apothecary" or any similar title whether expressed in words or by letters, implying the possession of a medical qualification.

(2) No person authorised to practise medicine shall take or use, or fix to, or use in connection with, his premises or practice, any title or description reasonably calculated to suggest that he possesses any professional status or qualifications other than the status or qualification which he in fact possesses, and which is stated in the application for a licence or permit to practise medicine presented by him or, if subsequently acquired, in any subsequent application, and is approved by the Director:

Provided that a person authorised to practise medicine shall not be debarred from using the title "doctor".

Recovery of fees.

12. No person other than a person authorised to practise medicine shall be entitled to recover in any court any fee or charge for any work or service performed by him which should, under this Ordinance, have been performed by a person authorised to practise medicine, or for any medicine which he may have prescribed and supplied.

Employment of nurses, dressers and attendants.

13.—(1) A person authorised to practise medicine may employ under his personal supervision nurses, dressers and attendants, in connection with his professional practice, but shall not permit any person who is not a person authorised to practise medicine to attend, treat or perform any operation upon any patient in respect of any matter requiring professional discretion or skill.

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Persons author-
ised to practise
medicine not
authorised to
trade or carry
on business or
advertise.

advertise.

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Persons authorised to practise medicine not to practise dentistry.

Power of inspection.

Obligations of medical practitioners.

Exceptions to application of Ordinance.

15. Nothing in this Ordinance contained shall entitle a person authorised to practise medicine to practise dentistry, except in so far as the same is incidental to his medical practice.

16. The Director, or the Senior Medical Officer or any Medical Officer or Health of the district in which the professional premises of any person authorised to practise medicine are situated or suspected by him to be situated may, at any reasonable hour, enter upon and inspect such premises.

17.—(1) A person authorised to practise medicine shall render in accordance with any Ordinance, any certificate, report, notification or other document of a similar nature signed by him which is required for administrative purposes or for use in a court in connection with births, deaths, vaccinations, communicable diseases, lunacy, hospitals and dispensaries, dangerous drugs, workmen's compensation and other matters.

(2) Any person authorised to practise medicine who is shown to have wilfully or negligently signed, or given under his name and authority, any such certificate, report, notification or document of a like character, which is untrue, misleading or improper, whether relating to the several matters specified in subsection (1) or otherwise; shall be deemed to be guilty of unprofessional conduct as a person authorised to practise medicine, and his licence or permit, as the case may be, may be cancelled or suspended under section 9.

18.—(1) The Director may dispense with such provisions of this Ordinance as he thinks fit in favour of —

(a) persons who are employed as nurses or nursing orderlies in such clinics or classes of clinics maintained by the Department of Health, or by an institution approved by the Director, as the Director may determine, and who are authorised by the Director to diagnose and treat conditions as directed or permitted by him;

(b) medical students certified by him to be such;

(c) any medical practitioner of a foreign country who has come to Palestine for the purpose of carrying out a particular surgical operation or of giving a particular medical consultation.

(2) All officers of the Department of Health who, in order to discharge their duties, are required to practise medicine, while in discharge of their duties, all medical officers of His Majesty's Forces residing in Palestine, while on full pay, and all ship's surgeons, while in discharge of their duties, shall be entitled to the privileges of persons authorised to practise medicine.

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19. The name and address of every person to whom a licence or permit to practise medicine is granted or renewed under this Ordinance or whose licence or permit to practise medicine is cancelled or suspended, under this Ordinance shall be published in the *Gazette*.

20.—(1) Any person who, not being a person authorised to practise medicine, practises, or holds himself out, whether directly or by implication, as practising, or being prepared to practise, medicine is guilty of an offence and is liable to imprisonment for three months or a fine of fifty pounds, or both such penalties.

(2) Any person who, not being, or not being deemed to be, the holder of a licence to practise medicine granted under this Ordinance, or not being the holder of a provisional permit to practise medicine granted under section 5, assumes or uses the title of "medical practitioner", "physician", "surgeon", "apothecary" or any similar title implying the possession of a medical qualification which he does not in fact possess, or otherwise acts in contravention of the provisions of section 11, is guilty of an offence and is liable to a fine of fifty pounds.

(3) Any person who fraudulently procures or attempts to procure, himself or any other person to be granted a licence or a permit to practise medicine under this Ordinance by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either orally or in writing, and any person aiding or abetting him, is guilty of an offence and is liable to imprisonment for one year or a fine of one hundred pounds or both such penalties.

(4) Any person authorised to practise medicine who employs any nurse, dresser or attendant except in accordance with section 13, is guilty of an offence and is liable to a fine of fifty pounds.

(5) Any person who impedes or obstructs an authorised officer from entering or inspecting the professional premises of any person authorised to practise medicine or any premises which are suspected to be such professional premises, is guilty of an offence and is liable to a fine of twenty pounds.

(6) Any person who contravenes or fails to comply with any of the provisions of this Ordinance for which no other penalty is prescribed is guilty of an offence and is liable to a fine of twenty pounds.

(7) The court convicting any person of any offence under this section may, in addition to imposing any penalty —

- (a) recommend the cancellation or suspension of the licence or permit to practise medicine held by the convicted person;
- (b) order the confiscation of articles the use of which constitutes the offence of which the offender is convicted.

Publication in
the *Gazette*.

Offences and
penalties.

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Report of
conviction of
person author-
ised to practise
medicine.

21. Subject to such exemptions as may be provided for by directions given by the Chief Justice, it shall be the duty of the Registrar of the Court, or, if there be no Registrar, of the Magistrate of the Court, by which any person authorised to practise medicine is convicted of any offence, forthwith to report to the Director the fact of such conviction and to forward to him —

- (a) a copy of a written statement of charge or a copy of the information, as the case may be, filed in the proceedings which resulted in such conviction; and
- (b) a copy of the judgment and sentence delivered in respect of such person authorised to practise medicine upon his conviction by such Court,

and such copies shall be certified as correct by such Registrar or Magistrate, as the case may be.

Rules.

22. The Director may, with the approval of the High Commissioner, make rules for all or any of the following purposes:—

- (1) prescribing the procedure to be followed and the forms to be employed in connection with —
 - (a) application for, and grant of, licences and permits under this Ordinance;
 - (b) notification of address of persons authorised to practise medicine;
 - (c) change of name of persons authorised to practise medicine;
 - (d) loss of licences and permits, their replacement and the fees payable therefor;
- (2) prescribing the universities, medical schools and faculties and diplomas recognised for the purposes of this Ordinance;
- (3) prescribing the drugs and medicines which a person authorised to practise medicine may keep on his premises, their amounts and the manner in which they shall be kept;
- (4) the administration of anaesthetics under medical supervision by persons who are not persons authorised to practise medicine;

- (5) generally for carrying this Ordinance into effect:

Provided that, until varied or revoked by any such rules, the Rules contained in the Schedule shall be in force.

Repeal and
saving.
Cap. 90.

23. The Medical Practitioners Ordinance is hereby repealed:

Provided that any person who, at the date of the commencement of this Ordinance, is the holder of a licence to practise medicine granted, or deemed to have been granted, under the Medical Practitioners Ordinance shall on and after such date be deemed

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to be the holder of a licence to practise medicine granted under this Ordinance and shall be subject to the provisions of this Ordinance.

SCHEDULE.

(Section 22).

1. These Rules may be cited as the Medical Practitioners Rules, 1947.

Citation.

PART I.—NOTIFICATION OF ADDRESS.

2.—(1) Every person authorised to practise medicine shall once in every year notify his address to the Director.

Notification of
address and
change of
address.

(2) Any person authorised to practise medicine who changes his address shall, not later than fourteen days from the date on which such change takes place, notify such change of address to the Director and to the Senior Medical Officer of the district in which he resides.

3.—(1) The notification referred to in rule 2(1) shall be made in the form hereunder set out :—

Form of
notification.

Licence/Permit * Number

Name (Family name first)

Address (Residence)

Address of practice

Date.....

.....
(Signature of person authorised
to practise medicine)

* Delete if inapplicable.

(2) The notification referred to in rule 2(2) shall be made in the form hereunder set out :—

Director of Medical Services/Senior Medical Officer*
Sir,

SUBJECT :— CHANGE OF ADDRESS.

I hereby notify you of the following change of address :

Present Address

Former Address

Date

Signature of person authorised to practise medicine

Licence/Permit * Number..... Address.....

* Delete if inapplicable.

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PART II.—CHANGE OF NAME.

Name to be used.

4. Every person authorised to practise medicine shall use in his medical practice and in his communications with the Department of Health only the name appearing on his licence or permit.

Notification of change of name.

5. Any person authorised to practise medicine who changes his name, either on marriage or for any other reason, shall, not later than sixty days from the date on which such change takes place, notify such change to the Senior Medical Officer of the district in which he resides.

Form of notification.

6. The notification referred to in rule 5 shall be made in the form hereunder set out and shall be accompanied by documentary evidence of the change of name :—

Senior Medical Officer.

Sir,

SUBJECT :— CHANGE OF NAME.

I hereby notify you of the following change of name and submit herewith for amendment my licence/permit* to practise medicine together with the undermentioned documents as evidence of such change :—

Present name
(Block letters)

Former name
(Block letters)

List of documents enclosed
.....
.....

(Signature of person authorised to practise medicine)

Licence/Permit * Number..... Address.....

* Delete if inapplicable.

Recording of change of name.

7. The Director shall, if satisfied with the evidence submitted, authorise the alteration of the name of such person as aforesaid on his licence or permit, as the case may be, and in the appropriate register of persons authorised to practise medicine.

PART III.—LOSS OF LICENCE OR PERMIT.

Notification of loss.

8.—(1) Any person authorised to practise medicine who loses his licence or permit shall immediately notify in writing such loss to the Senior Medical Officer of the district in which such person resides and shall submit with such notification a statement containing a full explanation of the circumstances attending the loss.

(2) The Senior Medical Officer shall, within ten days of receipt by him of such statement, forward it to the Director.

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9. The Director, if satisfied with the explanation of the circumstances attending the loss of a licence or permit submitted in accordance with rule 8, shall cause the publication in the *Gazette* of a notice in the form set out hereunder:—

Publication of
notice of loss
in the *Gazette*.

NOTICE.

Notice is hereby given that the licence to practise medicine/provisional permit to practise medicine in Palestine No. dated the..... day of..... granted to..... of..... by the Director of Medical Services* (High Commissioner* has been notified by the holder as lost.

Should such licence*/permit* come into the possession of any person other than the person to whom it was granted as aforesaid it should be returned at once to the Director of Medical Services, Department of Health, Jerusalem.

If, within three months from the date of the publication of this notice in the *Gazette*, such licence/ permit* is not found by the person to whom it was granted as aforesaid or returned to the Director of Medical Services, it will be deemed to be cancelled.

Date.....

.....
(Director of Medical Services).

* Delete if inapplicable.

10.—(1) Upon publication of a notice in the *Gazette* in accordance with rule 9, the Senior Medical Officer referred to in rule 8 shall instruct the loser of the licence or permit, as the case may be, to cause the publication of that notice for three consecutive days in an English, an Arabic and a Hebrew newspaper published and circulating in Palestine.

Publication of
notice of loss
in the press.

(2) The loser of such licence or permit, as the case may be, shall cause publication to be made in accordance with sub-rule (1) at his own expense and shall thereafter forward to the Director a copy of each of the newspapers in which the notice has been published.

(3) The Director may, if he has reasonable grounds for believing that the licence or permit has been destroyed, exempt the loser thereof from compliance with all or any of the provisions of this rule.

11. At the expiration of three months from the date of the publication in the *Gazette* of the notice referred to in rule 9, the licence or permit, as the case may be, if not recovered meanwhile, shall be deemed to be cancelled, and the Director shall publish a notice to that effect in the *Gazette*.

Cancellation of
lost licence or
permit.

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Issue of new
licence or
permit.

12. Upon the publication of a notice to the effect that a licence or permit has been deemed to be cancelled under rule 11, the loser of such licence or permit may, if he has complied with the provisions of rule 10, or has been exempt from compliance therewith, apply to the Director for a new licence or permit, as the case may be, and the Director shall thereupon issue to him —

- (a) a new licence on payment of a fee of two pounds;
- (b) a new permit, other than a provisional permit, on payment of a fee of one pound;
- (c) a new provisional permit on payment of a fee of five hundred mils.

PART IV.—CONSULTING ROOM NOTICES.

Particulars and
dimensions of
notice.

13. The notice which a person authorised to practise medicine may under proviso (a) to section 14(2) put outside his consulting rooms shall be of dimensions not larger than 45 centimetres × 35 centimetres, and shall not contain any particulars other than —

- (a) the name of the person authorised to practise medicine preceded, in the case where such person possesses a degree of doctor, by the title "doctor", or any abbreviation thereof, and followed in the case where such person is the holder of any degrees or diplomas, by letter indicating such degrees or diplomas, and abbreviations indicating the origin of such degrees or diplomas; and
- (b) the title "physician" or "surgeon" or, in the case where the person authorised to practise medicine restricts himself to a single department of medical practice, words descriptive of that department, and
- (c) the hours of consultation.

Prohibition of
use of mislead-
ing initials or
abbreviations.

14. The Director may, by order under his hand, prohibit the use on a notice displayed by a person authorised to practise medicine of any initials or abbreviations or other terms which, in his opinion, are not a proper representation of the professional qualifications of such person or which, in his opinion, might convey to the public an incorrect impression of such qualifications, and thereupon no person shall so use such initials, abbreviations or other terms.

Notice of change
of address.

15. The notice which a person authorised to practise medicine may, under proviso (b) to section 14(2), put outside his former consulting rooms if he changes his address, shall comply with the provisions of rule 13, save that it may contain, in addition to the particulars specified in the said rule, the following particulars:—

"Removed to.....
(address of new premises)

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PART V.—CERTIFICATE OF ABSENCE FROM COURT.

16. A medical certificate given by a person authorised to practise medicine to any person under section 17 of the Ordinance for presentation to a court certifying that the person to whom the certificate relates is unfit, on account of sickness, to stand his trial, or to appear in court, whether as a party, or an advocate or to attend in court as a witness, shall state —

(a) that the person authorised to practise medicine has personally examined such person and is fully satisfied that such person is in fact unfit to stand his trial or appear in Court, and

(b) the nature of the sickness, and

(c) the date on which the person authorised to practise medicine is of opinion that such person will be fit to stand his trial or appear in court.

17. A medical certificate given by a person authorised to practise medicine to any person under section 17 of the Ordinance shall be in the following form or as near such form as may be possible :—

MEDICAL CERTIFICATE OF INCAPACITY TO APPEAR IN COURT ON ACCOUNT OF SICKNESS.

I,, a person authorised to practise medicine, of Palestine, hereby certify that I have this day of personally examined of and find him to be suffering from

I am fully satisfied that the said in his present condition is in fact unfit to stand his trial

a party*
or to appear in court as
or an advocate

or to attend in court as a witness
on the day of

I am of opinion that the said will probably be fit to stand his trial*

a party
or to appear in court as
or an advocate

or to attend in court as a witness
after a period of days from the date hereof.

Signed

(holder of licence/provisional permit* No.)

Date

* Strike out the words which are not applicable.

Medical certificate for use in Court.

Form of certificate.

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OBJECTS AND REASONS.

This Bill is designed primarily to consolidate the Medical Practitioners Ordinance (Cap. 90) with the amendments made thereto in 1935, 1937 and 1939, and to make certain further amendments for the purpose of bringing the law regulating the practice of medicine into line with the law regulating the practice of dentistry, as enacted in the Dentists Ordinance, 1945.

In addition, the power of the Director of Medical Services to dispense with certain provisions of the Ordinance, may in future, by virtue of the amendment embodied in clause 18(1)(a), be exercised in favour of persons employed as nurses or nursing orderlies in clinics maintained by the Department of Health or by approved institutions. In practice it has been found that such additional power of dispensation is desirable.

Clause 18(2) extends the privileges of persons authorised to practise medicine, to an additional class of persons, namely officers of the Department of Health who, in the discharge of their duties, are required to practise medicine. In future, it will not be necessary for such persons to possess a licence or permit to practise medicine whilst discharging their duties.

Amongst other minor changes, the Bill provides that a representative of the Attorney General shall be a member of the Committee before whom a person authorised to practise medicine may state his case, when the question of cancellation or suspension of his licence or permit arises.

As in the case of the Dentists Ordinance, 1945, the rules to be made under the Ordinance are set out in a Schedule to the Bill.

16th June, 1947.
(M/74/35).

M. J. HOGAN
Acting Attorney General.

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NOTICE.

The following DRAFT ORDINANCE is made public prior to enactment in accordance with Article 17(1)(d) of the Palestine Order in Council, 1922, as amended by Article 3 of the Palestine (Amendment) Order in Council, 1923.

5th July, 1947.
(M/12/47).

J. B. PRUEN
Clerk to the Advisory Council.

DRAFT.

AN ORDINANCE TO AMEND THE PHARMACISTS ORDINANCE.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof :—

1. This Ordinance may be cited as the Pharmacists (Amendment) Ordinance, 1947, and shall be read and construed as one with the Pharmacists Ordinance, hereinafter referred to as "the principal Ordinance".

Short title.

Cap. 110.

2. Section 34 of the principal Ordinance shall be amended —

Amendment of
section 34 of the
principal
Ordinance.

(a) by the deletion of the words "and patent or proprietary medicines of which the sale has not been prohibited by the Director" appearing in subsection (1) thereof;

(b) by the insertion therein, immediately after subsection (1) thereof, of the following subsection, as subsection (1A) :—

(1A) The High Commissioner may, by order, amend the third Schedule to this Ordinance by the addition thereto, or the deletion therefrom, of any non-poisonous drug, medicine or pharmaceutical preparation, or otherwise howsoever."

3. Section 45 of the principal Ordinance shall be repealed and the following section shall be substituted therefor :—

Repeal and
replacement of
section 45 of the
principal
Ordinance.

"Cancellation
and suspension
of licences.

45.—(1) Where it appears to the High Commissioner, upon complaint of the Director or of any person aggrieved, that a pharmacist or an assistant pharmacist

(a) has been guilty of unprofessional conduct as a pharmacist, or assistant pharmacist, as the case may be, or

(b) obtained his licence by misrepresentation, or

(c) has proved himself incapable or grossly negligent in the performance of his duties as a pharmacist or an assistant pharmacist, as the case may be, or

(d) has persistently contravened or failed to comply with the provisions of this Ordinance, or

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(e) has been convicted of a criminal offence other than an offence under this Ordinance, the High Commissioner may, by order under his hand, cancel the licence or direct that it shall be suspended for such time as may be fixed by him in such order :

Provided that no order for cancellation or suspension under this subsection shall be made unless the person complained against has had an opportunity of submitting a written statement in his defence and of stating his case before a Committee composed of the Director and such persons, one of whom shall be the Attorney General's representative, as the High Commissioner may nominate.

(2) The Committee referred to in subsection (1) shall submit a report in writing to the High Commissioner.

(3) For the purpose of this section, a person shall be deemed to have had an opportunity of submitting a written statement in his defence if, at least thirty days before the order for such cancellation or suspension is made, a notice regarding the proposed cancellation or suspension is served on him personally, or by leaving it for him at his last known address, or by sending it through the post in a registered letter addressed to him at his last known address.

(4) The Director may, by order under his hand, cancel any licence to practise pharmacy or to practise as an assistant pharmacist granted under this Ordinance if he is satisfied that the holder thereof —

(a) is no longer entitled to remain permanently in Palestine, or

(b) has died.

(5) Upon the issue of an order for cancellation or suspension under this section the holder of the licence which is cancelled or suspended or, in the case where the holder has died, his legal personal representative, shall deliver his licence to the Director.

(6) Any person aggrieved by any order for cancellation or suspension under this section may, within three months after receipt of notification

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Reference: **FO 371 / 61869**

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of the making of such order, appeal against such order to the Supreme Court sitting as a High Court, and in any such appeal the Supreme Court may give such directions in the matter as it thinks proper, including any direction as to the costs of appeal, and the order of the Supreme Court shall be final and conclusive.

OBJECTS AND REASONS.

Clause 2 of this Bill seeks to amend Section 34 of the Pharmacists Ordinance (Cap. 110) in two respects.

Firstly, it provides that only licensed pharmacists or assistant pharmacists will have the right to sell patent or proprietary medicines, other than those of a simple nature. This is designed to eliminate the risks which are attached to the indiscriminate sale of powerful compounds by persons, who have not received a proper training in pharmacy. The right of persons other than licensed pharmacists or assistant pharmacists to sell, for medicinal use, the non-poisonous drugs, medicines and pharmaceutical preparations described in the third Schedule to the principal Ordinance is, however, preserved. The second amendment enables the High Commissioner to amend the third Schedule by order, which will be more convenient than doing it by Ordinance.

Clause 3 of the Bill then goes on to provide for the replacement of Section 45 of the Pharmacists Ordinance (Cap. 110), by a new section which will bring the provisions of the Ordinance relating to cancellation and suspension of licences into line with those of the corresponding section (Section 8) of the Dentists Ordinance, 1945.

18th June, 1947.
(M/12/47)

M. J. HOGAN
Acting Attorney General.

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NOTICE.

The following DRAFT ORDINANCE is made public prior to enactment in accordance with Article 17(1)(d) of the Palestine Order in Council, 1922, as amended by Article 3 of the Palestine (Amendment) Order in Council, 1923.

5th July, 1947.
(SF/728/40)

J. B. PRUEN
Clerk to the Advisory Council.

DRAFT.

AN ORDINANCE TO FURTHER AND PROTECT THE ACTIVITIES AND INTERESTS OF THE BOY SCOUTS ASSOCIATION IN PALESTINE.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title.

1. This Ordinance may be cited as the Boy Scouts Ordinance, 1947.

Interpretation.

2. In this Ordinance —

“Association” means The Boy Scouts Association incorporated under the Royal Charter granted on the fourth day of June, 1912;

“Boy Scout” means a Warranted Officer, Rover Scout, Boy Scout or Wolf Cub recognised as such under the Rules of the Association and includes all officers of the Association;

“Commissioner” means the person holding or acting in the office of Chief Commissioner of the Federal Association of the Boy Scouts of Palestine;

“Rules of the Association” means the rules relating to the Association contained in the Book entitled “Boy Scouts Association. Policy, Organisation and Rules, 1945”, as from time to time amended, or replaced, and subject to any variations sanctioned in due form in accordance with the said Rules to meet local conditions in Palestine.

Restriction
on use of
uniform of the
Association.

3. It shall not be lawful for any person, not being under the Rules of the Association duly authorised and entitled so to do, publicly to wear, carry or bear any uniform, badge, token or emblem which under the said Rules are specifically adopted for the use under the authority of the Association or which could reasonably be held to be an imitation of the same in such style or manner as to convey an impression that such person is under the said Rules entitled so to wear, carry or bear such uniform, badge, token or emblem.

Restriction
on sale of
badges, etc.

4. No person shall sell, or offer for sale, any article bearing a badge, token or emblem specifically adopted for use under the authority of the Association, or which could reasonably be held to be imitation of the same, unless he shall have first obtained authority from the Commissioner in writing to do so.

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5.—(1) It shall not be lawful for any Boy Scout, not being otherwise thereunto lawfully entitled and authorised, to pretend to be, or to pass himself off as, or to arrogate to himself the authority, position or powers of, or to claim to be or to act as, a member of the Palestine Police Force, or as an agent or otherwise of the Government of Palestine.

Boy Scout not to pass himself off as police officer, etc.

(2) No Boy Scout shall seek or attempt, by virtue of his wearing any uniform, badge, token or emblem of the Association or any uniform, badge, token or emblem purporting or appearing to be such, to enforce or exercise authority otherwise than in accordance with and as authorised by the Rules of the Association.

6. It shall not be lawful for any person to form, organise, or work in connection with, or be concerned in forming, organising or working in connection with, any corps or body of persons who without due authority granted in accordance with the Rules of the Association claim or purport to be Boy Scouts or otherwise to be connected with the Association or who hold themselves out, or pass themselves off, as Boy Scouts or as otherwise connected with the Association :

No person falsely to claim connection with Association.

Provided that no person shall be liable to conviction under this section who, being engaged at the date of the commencement of this Ordinance in work in connection with a corps or body of persons claiming or purporting to be Boy Scouts, shall apply within three months of such date to the Commissioner for authority under the Rules of Association to continue in such work, unless and until the Commissioner shall have refused to issue such authority and shall have informed the applicant accordingly.

7. Any person contravening any of the provisions of this Ordinance is guilty of an offence and is liable to imprisonment for one month or a fine of ten pounds or both such penalties.

Penalties.

OBJECTS AND REASONS.

The object of this Bill is to give recognition and protection to the activities of the Boy Scouts Association in Palestine. The Association was founded by the late Lord Baden-Powell and has been incorporated under a Royal Charter granted on 4th January, 1912. The Association is non-political and its activities must commend themselves to all.

25th June, 1947.
(SF/728/40).

M. J. HOGAN
Acting Attorney General.

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Reference: FO 371 / 61869

NOTICE.

The following DRAFT ORDINANCE is made public prior to enactment in accordance with Article 17(1)(d) of the Palestine Order in Council, 1922, as amended by Article 3 of the Palestine (Amendment) Order in Council, 1923.

7th July, 1947.
(RT/51/47).

J. B. PRUEN
Clerk to the Advisory Council.

DRAFT.

AN ORDINANCE TO AMEND THE COMPENSATION (DEFENCE) ORDINANCE, 1940.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title.

No. 18 of 1940.

Repeal and
replacement of
section 12A of
the principal
Ordinance.

No. 39 of 1946.

1. This Ordinance may be cited as the Compensation (Defence) (Amendment) Ordinance, 1947, and shall be read and construed as one with the Compensation (Defence) Ordinance, 1940, hereinafter referred to as "the principal Ordinance".

2. Section 12A of the principal Ordinance and the marginal note thereto (as enacted by section 8 of the Compensation (Defence) (Amendment) Ordinance, 1946) shall be repealed and the following shall be substituted therefor:—

"Compensation payable if claimant fails to comply with notice to refer dispute to Tribunal.

12A. Where, in pursuance of any notice of claim for compensation under this Ordinance given to the Government Department or the Military Authority which is concerned with the settlement of such claim (hereinafter referred to as "the Authority") in accordance with section 12 or 14, or, where no such notice of claim in accordance with the said sections has been given, the Authority has, after the commencement of the 1946 Ordinance, made to the claimant an unconditional offer in writing of any sum (including any sum payable periodically) as compensation and the claimant has not, within three months from the receipt of such offer, either accepted such offer or referred the matter to the Shipping Tribunal or the General Tribunal (as the case may be) as a dispute for determination under this Ordinance, the Authority may give the claimant notice in writing requiring him to refer the matter to the Shipping Tribunal or the General Tribunal (as the case may be) as a dispute for determination under this Ordinance, and if the claimant fails to comply with such notice within three months from the service thereof, then unless meantime the dispute has in fact been settled by agreement between the claimant and the Government, the sum offered by

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the Authority as aforesaid shall be deemed to have been agreed between the claimant and the Government as the compensation payable to the claimant under this Ordinance.

For the removal of doubts, it is hereby declared that for the purposes of this section, an offer shall not be deemed to be a conditional offer by reason only that it is made subject to any advance or other payment made in respect of the compensation being taken into account or being repaid".

OBJECTS AND REASONS.

This Bill is designed to extend the provisions of section 12A of the principal Ordinance to cases where no notices of claims for compensation have been given by claimants and, further, to make it clear that an unconditional offer made by the Authority does not cease to be such, merely because it is made subject to any advance or other payment made on account of the compensation, being taken into account or being repaid.

28th May, 1947.
(RT/51/47)

M. J. HOGAN
Acting Attorney General.

NOTICE.

The following DRAFT ORDINANCE is made public prior to enactment in accordance with Article 17(1)(d) of the Palestine Order in Council, 1922, as amended by Article 3 of the Palestine (Amendment) Order in Council, 1923.

11th July, 1947.
(F/LG/62/45).

J. B. PRUEN
Clerk to the Advisory Council.

DRAFT.

AN ORDINANCE TO AMEND THE MUNICIPAL CORPORATIONS ORDINANCE, 1934.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof :—

1. This Ordinance may be cited as the Municipal Corporations (Amendment) Ordinance, 1947, and shall be read and construed as one with the Municipal Corporations Ordinance, 1934, hereinafter referred to as "the principal Ordinance".

Short title.

No. 1 of 1934.

2. The first proviso to paragraph (a) of subsection (1) of section 102 of the principal Ordinance, as enacted by section 24 of the Municipal Corporations (Amendment) Ordinance, 1946, shall be amended by the repeal of the words "lower than" appearing therein, and the substitution therefor of the words "different from".

Amendment of
section 102 of
the principal
Ordinance.
No. 59 of 1946.

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OBJECTS AND REASONS.

Under the principal Ordinance a municipal council has power to levy a smaller property rate on unoccupied land than on buildings and occupied land. This Bill is designed to empower municipal councils to levy municipal property rate on unoccupied lands at a rate different from that levied on buildings and occupied lands, so that they will be able to put such rate at a higher level if they so wish.

1st July, 1947.
(F/LG/62/45).

M. J. HOGAN
Acting Attorney General.

NOTICE.

The following DRAFT ORDINANCE is made public prior to enactment in accordance with Article 17(1)(d) of the Palestine Order in Council, 1922, as amended by Article 3 of the Palestine (Amendment) Order in Council, 1923.

11th July, 1947.
(J/164/47).

J. B. PRUEN
Clerk to the Advisory Council.

DRAFT.

AN ORDINANCE TO AMEND THE COURTS ORDINANCE, 1940.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof :—

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| Short title. | 1. This Ordinance may be cited as the Courts (Amendment) Ordinance, 1947, and shall be read and construed as one with the Courts Ordinance, 1940, hereinafter referred to as "the principal Ordinance". |
| No. 31 of 1940. | |
| Amendment of section 10 of the principal Ordinance. | 2. Section 10 of the principal Ordinance shall be amended by the deletion of the proviso thereto. |
| Amendment of section 12 of the principal Ordinance.
No. 14 of 1946. | 3. Subsection (6) of section 12 of the principal Ordinance, as enacted by the Courts (Amendment) Ordinance, 1946, shall be amended by the deletion of —
(a) the proviso to paragraph (a)(i) thereof;
(b) the proviso to paragraph (b)(i) thereof;
(c) the proviso to paragraph (c)(i) thereof;
(d) the words "but without prejudice to any right conferred therein to elect trial or hearing by a president or relieving president sitting alone", appearing in paragraph (d) thereof. |
| Saving. | 4. (1) Where, prior to the coming into force of this Ordinance, a person accused before a Court of Criminal Assize has applied under the provisions of section 10 of the principal Ordinance to be tried by a British judge sitting alone, such person shall be so tried.
(2) Where, prior to the coming into force of this Ordinance, a party to a civil action or to a civil or criminal appeal or the accused |

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in a criminal case, has applied under the provisions of subsection (6) of section 12 of the principal Ordinance, as enacted by the Courts (Amendment) Ordinance, 1946, to be tried by a president or relieving president, or a British judge sitting alone, such action, appeal, or criminal case, shall be heard by a president or relieving president sitting alone. No. 14 of 1946.

OBJECTS AND REASONS.

Section 10 of the Courts Ordinance, 1940 provides that a person charged before a Court of Criminal Assize may elect trial by a British Judge of the Supreme Court sitting alone. Under section 12(6) the accused in a criminal case in a District Court has the right, on application, to be tried by the president or relieving president sitting alone. Similarly in a civil action or a civil or criminal appeal, any party may, on application, have the action or appeal so heard.

It is considered no longer necessary to retain these rights of election, and this Bill is accordingly designed to abolish them.

By clause 4 persons who, prior to the coming into force of this amending Ordinance, have already elected for their cases to be tried by a British judge sitting alone, will be entitled to have them so heard.

19th June, 1947.

M. J. HOGAN
Acting Attorney General.

NOTICE.

The following DRAFT ORDINANCE is made public prior to enactment in accordance with Article 17(1)(d) of the Palestine Order in Council, 1922, as amended by Article 3 of the Palestine (Amendment) Order in Council, 1923.

11th July, 1947.
(J/149/41)

J. B. PRUEN
Clerk to the Advisory Council.

DRAFT.

AN ORDINANCE TO AMEND THE MUNICIPAL COURTS ORDINANCE.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof :—

1. This Ordinance may be cited as the Municipal Courts (Amendment) Ordinance, 1947, and shall be read and construed as one with the Municipal Courts Ordinance, hereinafter referred to as "the principal Ordinance".

Short title.

Cap. 97.

2. Subsection (2) of section 5 of the principal Ordinance shall be amended by the substitution of a colon for the full stop appearing immediately after the words "magistrates' courts" and the insertion thereafter of the following proviso :—

Amendment of section 5 of the principal Ordinance.

"Provided that no accused person shall have the right to be tried by a district court."

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OBJECTS AND REASONS.

Section 5 of the Municipal Courts Ordinance (Cap. 97) provides that the proceedings of a municipal court shall be conducted in accordance with the rules of procedure in force in magistrates' courts. This means that, just as in a magistrate's court, a person accused of an offence before a municipal court, must be given the option of electing to be tried by a district court.

As a municipal court cannot impose a sentence exceeding a fine of £P.20 and/or imprisonment for more than 15 days, it is not considered necessary that an accused should retain this right, and this Bill seeks to abolish it.

19th June, 1947.
(J/149/41)

M. J. HOGAN
Acting Attorney General.

NOTICE.

The following DRAFT ORDINANCE is made public prior to enactment in accordance with Article 17(1)(d) of the Palestine Order in Council, 1922, as amended by Article 3 of the Palestine (Amendment) Order in Council, 1923.

14th July, 1947.
(J/48/44)

J. B. PRUEN
Clerk to the Advisory Council.

DRAFT.

AN ORDINANCE TO AMEND THE CRIMINAL PROCEDURE (TRIAL UPON INFORMATION) ORDINANCE.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof :—

Short title. 1. This Ordinance may be cited as the Criminal Procedure (Trial Upon Information) (Amendment) Ordinance, 1947, and shall be read and construed as one with the Criminal Procedure (Trial Upon Information) Ordinance, hereinafter referred to as "the principal Ordinance".

Amendment of section 51 of the principal Ordinance. 2. Section 51 of the principal Ordinance shall be repealed and the following section substituted therefor :—

"Form of Judgment. 51. When the case on both sides is closed the Judge shall record his judgment in writing and every such judgment shall contain the point or points for determination, the decision thereon and the reasons for the decision, and shall be dated and signed by the Judge at the time of pronouncing it."

Amendment of section 67 of the principal Ordinance. 3. Section 67 of the principal Ordinance shall be amended by the repeal of subsection (1) thereof and the substitution therefor of the following subsection :—

"(1) The Attorney General may appeal from a judgment on any of the following grounds :—

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- (a) that there was not evidence on which the Court could lawfully find a fact or facts necessary to support the judgment, or
- (b) that evidence was wrongly admitted or excluded, or
- (c) that the law was misinterpreted, or
- (d) that the law was wrongly applied, or
- (e) that there has been some irregularity of procedure, or
- (f) that the punishment was insufficient."

OBJECTS AND REASONS.

This Bill provides for two amendments to the Criminal Procedure (Trial Upon Information) Ordinance, one dealing with the form of the judgment delivered by a trial court, and the other with the Attorney General's right of appeal.

Section 51 of the principal Ordinance makes a brief provision that on convicting or acquitting an accused person, the presiding judge shall record the findings of fact on which the conviction or acquittal is based. Clause 2 of this Bill seeks to make more detailed provision for the contents of such judgments.

Under section 67(1) of the principal Ordinance the Attorney General may appeal from a judgment on a number of grounds, including one "that the law was wrongly applied to the facts". There has been considerable controversy as to the exact meaning of this phrase and the Supreme Court has commented on the desirability of clarification. Clause 3 of this Bill seeks to substitute for it the following grounds of appeal :—

- "(c) that the law was misinterpreted;
- (d) that the law was wrongly applied".

19th June, 1947.
(J/48/44).

M. J. HOGAN
Acting Attorney General.

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Supplement No. 1

to the

Palestine Gazette Extraordinary No. 1477 of 23rd February, 1946.

MUNICIPAL TRIBUNALS (TRANSITIONAL PROVISIONS) ORDINANCE,
No. 12 of 1946.

AN ORDINANCE TO MAKE TRANSITIONAL PROVISIONS CONSEQUENT UPON THE REVOCATION
OF THE DEFENCE (MUNICIPAL TRIBUNALS) REGULATIONS, 1941.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory
Council thereof:—

1. This Ordinance may be cited as the Municipal Tribunals (Transitional Provisions) Ordinance, 1946.

Short title.

2. In this Ordinance —

Interpretation.

“municipal tribunal” means a tribunal established under the 1941 Regulations;

“the appointed date” means the date of commencement of the Defence (Municipal Tribunals) (Revocation) Regulations, 1946, that is to say, the 24th February, 1946;

Gaz: 23.2.46,
p. 359.

“the 1941 Regulations” means the Defence (Municipal Tribunals) Regulations, 1941.

Gaz: 14.12.41,
p. 1925.

3.—(1) Any matter which at the appointed date is pending in any municipal tribunal shall, as from such date, be deemed to be transferred to the magistrates' court (hereinafter referred to as “the appropriate magistrates' court”) having jurisdiction in respect of the area of jurisdiction of such municipal tribunal, and the appropriate magistrates' court shall deal with such matter as if it had been originally lodged in such court:

Transfer of
certain functions
of municipal
tribunals to
magistrates'
courts

Provided that —

(a) any such matter shall be deemed to be transferred to the appropriate magistrates' court at the stage which it has reached in the municipal tribunal, and no objection in respect of any proceedings which have taken place in the municipal tribunal shall be entertained unless such objection ought to be heard and upheld by the municipal tribunal had the proceedings been continued in the municipal tribunal;

(b) any matter the trial or hearing of which has actually commenced before a municipal tribunal shall be reheard before the appropriate magistrates' court.

(2) Any matter which at the appointed date is not pending in a municipal tribunal but which, but for the revocation of the 1941 Regulations, would fall to be dealt with by a municipal tribunal by reason of such municipal tribunal having been seized with such matter at any time prior to the appointed date, shall be dealt with by the appropriate magistrates' court, and such court shall deal with such

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Transfer of documents.

Power of appellate court to order new trial before a magistrate.

Review.

Rules.

matter in the manner in which it would deal therewith had it been seized therewith in the first place.

4. The President of any municipal tribunal shall, as soon as may be after the appointed date, cause any documents in the possession of the municipal tribunal and relating to any matter pending therein, or otherwise not yet finally disposed of, to be transferred to the appropriate magistrates' court.

5. Where on or after the appointed date any appeal is heard in any court against any judgment of a municipal tribunal, it shall be lawful for such court, without prejudice to any other power of such court, to order a new trial before a magistrates' court.

6.—(1) The President of any municipal tribunal shall, on or before the 1st March, 1946, cause the return prescribed by subregulations (1) and (2) of regulation 6A of the 1941 Regulations to be compiled in respect of the month of February, 1946 and forwarded to the Chief Registrar of the Supreme Court, and the Chief Registrar shall upon receiving such return submit it to the Chief Justice.

(2) The provisions of subregulations (3), (4) and (5) of regulation 6A of the 1941 Regulations shall on and after the appointed date, continue to have effect notwithstanding the revocation of the 1941 Regulations:

Provided that, as from the appointed date, the provisions of subregulation (3) of regulation 6A shall have effect as if—

(a) for paragraph (d) thereof there were substituted the following paragraph:—

“(d) quash the conviction and order a new trial before a magistrates' court; or”;

(b) paragraph (e) thereof were deleted.

7. The High Commissioner may make rules for carrying out the purposes of this Ordinance.

A. G. CUNNINGHAM
High Commissioner.

23rd February, 1946.

CIVIL TRIAL OF MEMBERS OF THE FORCES (AMENDMENT) ORDINANCE, No. 13 of 1946.

AN ORDINANCE TO AMEND THE CIVIL TRIAL OF MEMBERS OF THE FORCES ORDINANCE.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title.

Cap. 19.

Insertion of new section, as section 12, in the principal Ordinance.

1. This Ordinance may be cited as the Civil Trial of Members of the Forces (Amendment) Ordinance, 1946, and shall be read as one with the Civil Trial of Members of the Forces Ordinance, hereinafter referred to as “the principal Ordinance”.

2. The following section shall be inserted in the principal Ordinance immediately after section 11 thereof:—

“Power of High Commissioner to vary certain provisions of the Ordinance.
Cap. 112.

12.—(1) In this section, “member of the forces” means any person who became a member of the forces—

(a) by appointment or enlistment in Palestine, or
(b) by virtue of any proclamation made under section 51 of the Police Ordinance.

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(2) The High Commissioner may, by order, prescribe that all or any of the following provisions shall have effect, that is to say:—

- (a) notwithstanding anything contained in section 3, in the event of a member of the forces being charged with having committed any of the offences mentioned in that section, it shall be lawful for either a British magistrate or any other magistrate to hold the preliminary investigation;
- (b) notwithstanding anything contained in section 5, in the event of a member of the forces being charged with having committed any offence other than those mentioned in section 3, it shall not be necessary that the civil court for the hearing of such charge shall consist solely of a British judge or judges or a British magistrate or magistrates;
- (c) notwithstanding anything contained in section 10, in the event of a member of the forces being a party to a civil action brought for hearing before a civil court, it shall not be necessary that the Court shall consist of a British judge or a British magistrate or British judges."

23rd February, 1946.

A. G. CUNNINGHAM
High Commissioner.

COURTS (AMENDMENT) ORDINANCE, No. 14 of 1946.

AN ORDINANCE TO AMEND THE COURTS ORDINANCE, 1940.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

1. This Ordinance may be cited as the Courts (Amendment) Ordinance, 1946, and shall be read as one with the Courts Ordinance, 1940, hereinafter referred to as "the principal Ordinance".

Short title.
No. 31 of 1940.

2. Section 5 of the principal Ordinance shall be repealed and the following section shall be substituted therefor:—

Repeal and replacement of section 5 of the principal Ordinance.

"Supreme Court as High Court or Court of Civil Appeal.

*5.—(1) The Supreme Court, sitting as a High Court of Justice or as a Court of Civil Appeal, shall consist of as many judges, not being less than two of whom one shall be a British judge, as the Chief Justice may appoint either generally or for the hearing of any particular case or class of cases:

Provided that, whenever the Chief Justice considers it desirable so to do, he may, either generally or for the hearing of any particular case or class of cases, direct that the Supreme Court, sitting as a High Court of Justice or as a Court of Civil Appeal shall consist of the Chief Justice or a British puisne judge sitting alone:

Provided further that any party to any proceedings in the Supreme Court, whether as a High Court of Justice or as a Court of Civil Appeal, may—

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Reference: **FO** 371 / 61869

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(a) if, in the event of a High Court proceeding, the return day has been specified in the rule nisi or the summons to show cause, then not later than two days from the service of the rule nisi or the summons to show cause,

(b) in any other case, at any time before the date of the hearing of the proceeding is fixed,

apply in writing to the Chief Registrar asking that the Court for the hearing of such proceeding shall be constituted of British judges, or with a majority of British judges, and such Court shall thereupon be so constituted.

(2) The Senior British judge present shall preside.

(3) Where the Supreme Court, sitting as a High Court of Justice or as a Court of Civil Appeal, consists of two judges and there is a disagreement between them as to the final decision, the Chief Justice shall appoint a third judge to the Court and the matter shall be re-heard."

3. Section 12 of the principal Ordinance shall be repealed and the following section shall be substituted therefor:—

"Constitution of district courts.

12.—(1) A district court shall consist of as many judges as the High Commissioner may appoint.

(2) One of such judges, who shall be a British judge, shall be the president of the district court, and one or more other British judge or judges, if any, from among such judges may be a relieving president or relieving presidents thereof.

(3) Where a district court is constituted of the president and any other judge, the president shall preside.

(4) Where a district court is constituted of a relieving president and any other judge other than the president, the relieving president, and, in the event of two or more relieving presidents sitting together, the senior relieving president, shall preside.

(5) Where a district court is constituted of two judges not including the president or a relieving president, the senior judge present shall preside.

(6) A district court shall be constituted as follows:—

(a)(i) civil actions shall be tried by a president or a relieving president or one or more other judge or judges:

Provided that any party to any action may, at any time before the date of the hearing thereof is fixed, apply in writing to the Registrar asking that such action shall be tried by a president or a relieving president sitting alone, and such action shall thereupon be so tried;

Repeal and replacement of section 12 of the principal Ordinance.

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(ii) where under the provisions of sub-paragraph (i) any action is tried by two judges and there is a disagreement between them as to the final decision, the president shall appoint a third judge to the court and the action shall be re-heard, unless the court and all parties to the proceedings agree to the third judge delivering his judgment upon a perusal of the record and without a re-hearing;

(b)(i) criminal trials, whether summary or upon information, shall be tried by a president, a relieving president, or one or more other judge or judges:

Provided that at or before the commencement of any such trial an accused person may apply to be tried by a British judge sitting alone, and thereupon such person shall be tried by a president or a relieving president as the president shall determine;

(ii) where under the provisions of sub-paragraph (i) any criminal case is tried by two judges and there is a disagreement between them as to the final verdict, the accused shall be acquitted.

(c)(i) on the hearing of appeals, whether civil or criminal, the court shall consist of the president or a relieving president or one or more other judge or judges:

Provided that any party to an appeal may, at any time before the date of the hearing thereof is fixed, apply in writing to the Registrar asking that such appeal shall be heard by a president or a relieving president sitting alone, and thereupon such appeal shall be so heard;

(ii) where under the provisions of sub-paragraph (i) any appeal is heard by two judges and there is a disagreement between them as to the final decision or verdict, the appeal shall stand dismissed and the decision of the court below shall prevail.

(d) Notwithstanding anything contained in paragraph (a), (b) or (c) of this subsection, but without prejudice to any right conferred therein to elect trial or hearing by a president or relieving president sitting alone, a president of a district court, whenever he considers it desirable to do so, may, either generally or for the trial or hearing of any particular case or class of cases, direct that the district court shall consist of the president or a relieving president and one other judge.

(7) The president or a relieving president or any other judge when sitting alone under the provisions

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Reference: **FO** 371 / 61869

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of the preceding subsection shall constitute a district court for all the purposes of this Ordinance.

(8) Where under any law any jurisdiction or power is vested in the president of a district court, such jurisdiction or power may be exercised by a relieving president of a district court.

(9) In the Sub-District of Beersheba, the district court may sit, at the discretion of the presiding judge, with two assessors chosen from the sheikhs of the Sub-District: not more than one assessor shall be chosen from the tribe to which either of the parties belongs: an assessor shall not be entitled to a voice in the judgment of the court but, if he so desires, he may have his opinion recorded: any party to an action may object to an assessor, and the presiding judge may allow or disallow such objection as he thinks fit.

(10) The Chief Justice may make rules determining the local jurisdiction of the district courts."

Amendment of
section 14 of the
principal
Ordinance

4. Subsection (1) of section 14 of the principal Ordinance shall be repealed and the following subsections shall be substituted therefor:—

"(1) Every judge of the Supreme Court shall be appointed by an instrument in writing, under the public seal of Palestine, by the High Commissioner in accordance with such instructions as the High Commissioner may receive from His Majesty, and shall hold office during the pleasure of His Majesty:

Provided that it shall be lawful for the High Commissioner—

(a) in the event of the office of any such judge becoming vacant by death or otherwise, to appoint by commission under the public seal of Palestine another fit and proper person to fill the said office so vacant, until an appointment as aforesaid has been made, and an instrument in writing as aforesaid has been issued, by the High Commissioner in accordance with instructions from His Majesty;

(b) in the event of the temporary illness or absence of any such judge, to appoint by commission under the public seal of Palestine another fit and proper person to fill the office of such judge until he shall resume his duties.

(1A) Every judge of a district court shall be appointed by the High Commissioner by an instrument in writing under the public seal of Palestine:

Provided that it shall be lawful for the High Commissioner—

(a) in the event of the office of any such judge becoming vacant by death or otherwise, or temporarily by reason of any illness or absence of any such judge, to appoint by warrant under his hand another fit and proper person to fill the office of such judge until a new judge is appointed and an instrument in writing as aforesaid has been issued or the judge who has been temporarily absent resumes his duties; as the case may be;

(b) to appoint, by warrant under his hand, any fit and proper person to sit as a judge of a district court by provisional appointment on probation for a period not exceeding two years."

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5. Notwithstanding anything contained in this Ordinance, any action or proceeding which has, before the commencement of this Ordinance, been commenced, and at the commencement of this Ordinance is pending, in any court shall continue in, and shall be tried or determined by, such court as if this Ordinance had not been passed.

Saving.

23rd February, 1946.

A. G. CUNNINGHAM
High Commissioner.

MAGISTRATES' COURTS JURISDICTION (AMENDMENT) ORDINANCE,
No. 15 of 1946.

AN ORDINANCE TO AMEND THE MAGISTRATES' COURTS JURISDICTION ORDINANCE, 1939.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

1. This Ordinance may be cited as the Magistrates' Courts Jurisdiction (Amendment) Ordinance, 1946, and shall be read as one with the Magistrates' Courts Jurisdiction Ordinance, 1939, hereinafter referred to as "the principal Ordinance".

Short title.

No. 45 of 1939.

2. Section 3 of the principal Ordinance shall be amended by the repeal of paragraphs (b) and (c) thereof and the substitution therefor of the following paragraphs, respectively:—

Amendment of
section 3 of the
principal
Ordinance.

Cap. 75.

"(b) Actions concerning immovable property in accordance with the Land Courts Ordinance, in which the value of the property or the subject matter of the dispute does not exceed two hundred and fifty pounds.

(c) Civil actions (other than actions concerning immovable property) in which the value of the subject matter or the amount of damages claimed does not exceed two hundred and fifty pounds, and counter-claims to the same value or amount as in original actions:

Provided that where the counter-claim arises from the same subject matter or circumstances as the original action, the magistrate may try such counter-claim whatever may be the amount claimed in it."

3. The following section shall be inserted in the principal Ordinance immediately after section 5 thereof:—

Insertion of new
section, as section
5A, in the prin-
cipal Ordinance.

"Power of Chief
Justice.

5A.—(1) In this section, the expression "criminal cause or matter" includes the holding of a preliminary enquiry in respect of an offence triable upon information.

(2) Whenever the Chief Justice considers it expedient so to do he may, by warrant under his hand, authorise any magistrate who is not a British magistrate to exercise the jurisdiction and powers of, or perform any duties assigned by law to, a British magistrate, in relation to civil or criminal causes or matters, either generally or to such extent as may be specified in the warrant.

(3) A magistrate authorised as aforesaid shall have such jurisdiction, and powers and may perform such

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duties accordingly, and, to the extent of such authorisation, shall be deemed to be a British magistrate."

Saving.

4. Notwithstanding anything contained in this Ordinance, any action or proceeding which has, before the commencement of this Ordinance, been commenced, and at the commencement of this Ordinance is pending, in any court shall continue in, and shall be tried or determined by, such court as if this Ordinance had not been passed.

23rd February, 1946.

A. G. CUNNINGHAM
High Commissioner.

LAND COURTS (AMENDMENT) ORDINANCE, No. 16 of 1946.

AN ORDINANCE TO AMEND THE LAND COURTS ORDINANCE.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title.
Cap. 75.

Amendment of
section 11 of the
principal
Ordinance.
No. 46 of 1939.
No. 14 of 1942.

1. This Ordinance may be cited as the Land Courts (Amendment) Ordinance, 1946, and shall be read as one with the Land Courts Ordinance, hereinafter referred to as "the principal Ordinance".

2. Section 11 of the principal Ordinance (as enacted in section 5 of the Land Courts (Amendment) Ordinance, 1939, and amended by section 2 of the Land Courts (Amendment) Ordinance, 1942) shall be amended by the repeal of subsection (1) thereof and the substitution therefor of the following subsection:—

"(1) Land Courts shall be constituted as follows:—

(a) where the value of the land or the subject matter of the dispute exceeds two hundred and fifty pounds, of a Court consisting of a president or a relieving president or one or more other judge or judges of a District Court:

Provided that any party to any action may, at any time before the date of the hearing thereof is fixed, apply in writing to the Registrar asking that such action shall be tried by a president or a relieving president, sitting alone, and thereupon such action shall be so tried;

(b) where the value of the land or the subject matter of the dispute does not exceed two hundred and fifty pounds, of a magistrate's court."

Saving.

3. Notwithstanding anything contained in this Ordinance any action or proceeding which has, before the commencement of this Ordinance, been commenced, and at the commencement of this Ordinance is pending, in any court shall continue in, and shall be tried or determined by, such court as if this Ordinance had not been passed.

23rd February, 1946.

A. G. CUNNINGHAM
High Commissioner.

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URBAN PROPERTY TAX (AMENDMENT) ORDINANCE, No. 17 of 1946.

AN ORDINANCE TO AMEND THE URBAN PROPERTY TAX ORDINANCE, 1940.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

1. This Ordinance may be cited as the Urban Property Tax (Amendment) Ordinance, 1946, and shall be read as one with the Urban Property Tax Ordinance, 1940, hereinafter referred to as "the principal Ordinance".

Short title.
No. 42 of 1940.

2. Section 15 of the principal Ordinance shall be amended by the deletion of the expression "a new valuation list is made under section 19(6)" and the substitution therefor of the following expression:—

Amendment of
section 15 of the
principal
Ordinance.

"a new valuation list is made under section 19A, or a special valuation list is made under section 19B, whichever event occurs earlier."

3. Section 19 of the principal Ordinance shall be amended by the repeal of subsections (6) and (7) thereof.

Amendment of
section 19 of the
principal
Ordinance.

4. The principal Ordinance shall be amended by the insertion therein, immediately after section 19 thereof, of the following sections, as sections 19A, 19B and 19C respectively:—

Insertion of
new sections
19A, 19B and
19C in the
principal
Ordinance.

"New valuation
list.

19A. In every fifth year, or in any less period prescribed by order of the High Commissioner, an assessment committee shall be appointed to make a new valuation list in accordance with the provisions of this Ordinance.

Special valuation
list.

19B. The High Commissioner may, if he considers it necessary or expedient so to do, at any time, by order, prescribe that in such urban area as may be specified in the order, an assessment committee shall be appointed to make in respect of such urban area a special valuation list in accordance with the provisions of this Ordinance.

Application of
provisions
regarding
valuation list.

19C. All the provisions of this Ordinance relating to the preparation of, objection to, and appeal from, a valuation list shall be applicable to every new, special or supplementary valuation list made by an assessment or revision committee."

23rd February, 1946.

A. G. CUNNINGHAM
High Commissioner.

DEFENCE LEGISLATION (INCORPORATION IN CERTAIN ORDINANCES) ORDINANCE, No. 18 of 1946.

AN ORDINANCE TO PROVIDE FOR THE INCORPORATION IN THE APPROPRIATE ORDINANCES, WITH OR WITHOUT MODIFICATION, OF THE PROVISIONS OF CERTAIN DEFENCE LEGISLATION.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

1. This Ordinance may be cited as the Defence Legislation (Incorporation in Certain Ordinances) Ordinance, 1946.

(Citation.

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Reference: **FO** 371 / 61869

2.—(1) The Ordinances described in Column 1 of the Schedule are hereby amended in accordance with the directions set out in Column 2 of the Schedule.

(2) For the avoidance of doubt it is hereby declared that item 775 of Part I of the Schedule to the Customs Tariff and Exemption Ordinance, 1937, as amended in accordance with the directions set out in Column 2 of the Schedule to this Ordinance, may be amended or revoked by an order made under section 5 of the first mentioned Ordinance.

Column 1.
Short title.

Customs Ordinance.

Column 2.
Amendment.

After subsection (2) of section 139 insert the following subsection:—

“(3) The High Commissioner may, by order, direct that this section shall have effect as if in subsection (1) after the words “His Majesty’s Forces” there were inserted the words “or any Forces of any of His Majesty’s Allies”.”

At the end of section 155 insert the following proviso :—

“Provided further that in any special case or class of case the Director may, with the approval of the High Commissioner, authorise a drawback of the full amount of the duty paid on goods imported and exported as aforesaid.”

Amend section 160 as follows:—

(a) for the marginal note thereto substitute the following marginal note:—

"Admission of goods without payment of duty"; and

(b) after subsection (2) insert the following subsection:—

“(3) The Director may, by order, authorise, on such conditions as he may deem fit, the temporary admission of specified goods without payment of duty when such goods are imported for the purpose of being processed, reconditioned or repaired in Palestine and exported after the completion of the processing, reconditioning or repair.”

Renumber section 211 as section 211(1) and at the end thereof insert the following subsection:—

“(2) The High Commissioner may, by order, direct that paragraph (g) of subsection (1) shall have effect as if after the words “His Majesty’s Forces” there were inserted the words “or any Forces of any of His Majesty’s Allies.”

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Reference: **FO** 371 / 61869

Column 1.

Short title.

Column 2.

Amendment.

Intoxicating Liquors
(Manufacture and
Sale) Ordinance.

After subsection (5) of section 16 insert the following subsection:—

Cap. 71.

“(6) The High Commissioner may, by order, direct that this section shall have effect as if in the proviso to subsection (1) after the words “His Majesty’s forces” there were inserted the words “or any forces of any of His Majesty’s Allies”. ”

Methylated Spirits
Ordinance.

Renumber section 15 as section 15(1) and at the end thereof insert the following subsection:—

Cap. 92.

“(2) The High Commissioner in Council may, by order, direct that paragraph (c) of the proviso to subsection (1) shall have effect as if after the words “His Majesty’s Forces” wherever they occur there were inserted the words “or any Forces of any of His Majesty’s Allies”. ”

Sale of Intoxicating
Liquor Ordinance,
1935.

After subsection (3) of section 3 insert the following subsection:—

No. 4 of 1935.

“(4) The High Commissioner may, by order, direct that, notwithstanding anything contained in this Ordinance, it shall not be necessary for any person to obtain a licence for the sale of intoxicating liquor in any canteen, mess, or institute maintained or carried on under lawful authority for the sole use of—

(a) any Forces of any of His Majesty’s Allies, or

(b) the British Merchant Navy or any Merchant Navy of any of His Majesty’s Allies, and, where the High Commissioner directs as aforesaid, no person keeping or serving in any such canteen, mess or institute, shall be liable to any penalty under the provisions of this Ordinance for selling or supplying any intoxicating liquor to any member of such Forces or Navies.”

Customs Tariff and
Exemption Ordinance,
1937.

In paragraphs (a), (b), (c), (d), (h) and (i) of item 775 of Part I of the Schedule, after the words “His Majesty’s Forces” wherever they occur in those paragraphs, insert the words “or any Forces of any of His Majesty’s Allies”.

No. 24 of 1937.

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BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

1. This Ordinance may be cited as the Rent Restrictions (Dwelling-Houses) (Amendment) Ordinance, 1946, and shall be read as one with the Rent Restrictions (Dwelling-Houses) Ordinance, 1940, hereinafter referred to as "the principal Ordinance".

2. Section 5 of the principal Ordinance shall be amended by the repeal of subsection (5) thereof.

3. The following sections shall be inserted in the principal Ordinance immediately after section 5 thereof:—

“Power of
Rents Tribunal
to compel
attendance of
witnesses, etc.

(i) to procure all such evidence, written or oral, and to examine all such persons as witnesses as the Rents Tribunal may think it necessary or desirable to procure or examine;

(ii), to require the evidence (whether written or oral) of any witness to be given on oath or otherwise, such oath to be that which could be required of the witness if he were giving evidence in a court of law;

(iii) to summon any person residing in Palestine to attend before the Rents Tribunal to give evidence or produce any document in his possession and to examine him as a witness or require him to produce any document in his possession, subject to all just exceptions;

(iv) to issue a warrant to compel the attendance of any person who, after having been summoned to attend, fails to do so, and does not excuse such failure to the satisfaction of the Rents Tribunal, and to order him to pay all costs which may have been occasioned in compelling his attendance or by reason of his refusal to obey the summons, and also to fine such person a sum not exceeding five pounds;

(v) to fine in a sum not exceeding five pounds any person who, being required by the Rents Tribunal to give evidence on oath or otherwise or to produce a document, refuses to do so and does not excuse such refusal to the satisfaction of the Rents Tribunal:

Provided always that, if any witness objects to answer any question on the ground that it will tend to incriminate him, he shall not be required to answer the question nor be liable to any penalties for refusing so to answer;

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Reference: **FO** 371 / 61869

(vi) to admit any evidence, whether written or oral, which might be inadmissible in civil or criminal proceedings;

(vii) to direct that any person attending before the Rents Tribunal to give evidence or produce any document in his possession shall be paid his travelling expenses together with an allowance at a rate which shall not exceed that specified in Schedule II to the Magistrates' Courts Procedure Rules, 1940, and that any person applying for the issue of a summons to any person to attend before the Rents Tribunal to give evidence or produce any document in his possession shall, before such summons is issued, deposit with the chairman of the Rents Tribunal such sum as appears to the Rents Tribunal to be sufficient to cover the travelling expenses of, and allowance due to, the person to be summoned;

(viii) to award costs, including advocates' fees, and witnesses' travelling expenses and allowances, and to direct to and by whom, and in what manner, such costs, or any part thereof, shall be paid, and to tax or settle the amount of costs to be so paid, or any part thereof.

Gaz: 15.1.40.
p. 35.

Recovery of
fines imposed
by Rents Tri-
bunal and of
other monies.

5B.—(1) Any fine imposed by the Rents Tribunal under section 5A shall be recovered in the same manner as a fine imposed by a court of law.

(2) Where any person is ordered to pay any amount under section 5A, not being costs directed to be paid under paragraph (viii) of that section, such amount shall be a debt due from such person to the Government and shall be recoverable accordingly.

Appeal from
Rents Tribunal.

5C.—(1) The decision of a Rents Tribunal given under the provisions of section 5 shall be final:

Provided that any person aggrieved by any such decision may appeal therefrom on a point of law to a District Court by leave of that Court.

(2) Application for leave to appeal under subsection (1) shall be made—

(a) within fourteen days of the date of the delivery of the decision of the Rents Tribunal, if such decision is delivered in the presence of the applicant for such leave, or

(b) within fourteen days of the date on which a copy of the decision of the Rents Tribunal under the hand of the Chairman thereof is served upon the applicant for such leave, if such decision is not delivered in his presence,

and, if such leave is granted, the appeal shall be entered —

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- Provided that an applicant for leave to appeal may apply therefor before being served with a copy of the decision of the Rents Tribunal under the hand of the Chairman thereof, or may enter an appeal before being notified that he has been granted leave to appeal.

A. G. CUNNINGHAM
High Commissioner.

RENT RESTRICTIONS (BUSINESS PREMISES) (AMENDMENT) ORDINANCE,
No. 20 of 1946.

AN ORDINANCE TO AMEND THE RENT RESTRICTIONS (BUSINESS PREMISES) ORDINANCE, 1941.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

1. This Ordinance may be cited as the Rent Restrictions (Business-Premises) (Amendment) Ordinance, 1946, and shall be read as one with the Rent Restrictions (Business Premises) Ordinance, 1941, hereinafter referred to as "the principal Ordinance".

2. Section 2 of the principal Ordinance shall be amended by the insertion, immediately after the definition of "Municipal Council", of the following definitions:—

“ “Local Council” means the local council constituted under the Local Councils Ordinance, or the Local Councils Ordinance, 1941, or any Ordinance amending, or substituted for, either of those two Ordinances, for a local council area within which any premises are situated;

"Local Council Area" means any village or group of villages or area administered by a local council."

3. Section 3 of the principal Ordinance shall be repealed and the following section shall be substituted therefor:—

3.—(1) The High Commissioner in Council may from time to time by order provide that this Ordinance shall apply to a municipal or local council or other area and may in like manner vary or revoke such order. Upon the revocation of such order, this Ordinance shall no longer apply to the municipal

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Reference: **FO** 371 / 61869

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or local council or other area in respect of which such order was made. Save as provided herein, this Ordinance shall not apply to any municipal or local council or other area or otherwise.

No. 20 of 1946.

Cap. 84.

No. 20 of 1946.

(2) Where, before the commencement of the Rent Restrictions (Business Premises) (Amendment) Ordinance, 1946, the High Commissioner in Council made an order providing that this Ordinance should apply to the area of a local council constituted under the Local Councils Ordinance, such order shall be deemed to have been validly made if it would have been validly made had the Rent Restrictions (Business Premises) (Amendment) Ordinance, 1946 been in force at the time when such order was made."

4. Section 4 of the principal Ordinance shall be amended by the addition at the end of subsection (3) thereof of the following proviso:—

"Provided further that where the contract of tenancy is for a period of more than three years, in the application of the terms and conditions of such contract of tenancy as aforesaid, the term shall be deemed to have been one year, unless the parties otherwise agree."

Amendment of section 4 of the principal Ordinance.

5. Section 6 of the principal Ordinance shall be amended —

(a) by the substitution of the words "High Commissioner in Council" for the words "High Commissioner" wherever the latter words appear in subsections (1) and (2) thereof;

Amendment of section 6 of the principal Ordinance.

(b) by the substitution of the words "municipal or local council or other area" for the words "municipal area" wherever the latter words appear in subsections (1) and (2) thereof;

(c) by the insertion therein, immediately after subsection (2) thereof, of the following subsection, as subsection (2A) thereof:—

No. 20 of 1946.

"(2A) Where, before the commencement of the Rent Restrictions (Business Premises) (Amendment) Ordinance, 1946, the High Commissioner in Council made an order which he is empowered to make under the provisions of subsection (1) or (2) of this section in force immediately after the commencement of the Rent Restrictions (Business Premises) (Amendment) Ordinance, 1946, such order shall be deemed to have been validly made had the Rent Restrictions (Business Premises) (Amendment) Ordinance, 1946 been in force at the time when such order was made."

No. 20 of 1946.

No. 20 of 1946.

6. The following sections shall be inserted in the principal Ordinance immediately after section 7 thereof:—

"Power of Rent Commissioner to compel attendance of witnesses, etc.

7A. A Rent Commissioner acting under this Ordinance shall have the following powers:—

(i) to procure all such evidence, written or oral, and to examine all such persons as witnesses as the Rent Commissioner may think it necessary or desirable to procure or examine;

Insertion of new sections 7A and 7B in the principal Ordinance.

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- (ii) to require the evidence (whether written or oral) of any witness to be given on oath or otherwise, such oath to be that which could be required of the witness if he were giving evidence in a court of law;
 - (iii) to summon any person residing in Palestine to attend before the Rent Commissioner to give evidence or produce any document in his possession and to examine him as a witness or require him to produce any document in his possession, subject to all just exceptions;
 - (iv) to issue a warrant to compel the attendance of any person who, after having been summoned to attend, fails to do so, and does not excuse such failure to the satisfaction of the Rent Commissioner, and to order such person to pay all costs which may have been occasioned in compelling his attendance or by reason of his refusal to obey the summons, and also to fine such person a sum not exceeding five pounds;
 - (v) to fine in a sum not exceeding five pounds any person who, being required by the Rent Commissioner to give evidence on oath or otherwise or to produce a document, refuses to do so and does not excuse such refusal to the satisfaction of the Rent Commissioner:
 Provided always that, if any witness objects to answer any question on the ground that it will tend to incriminate him, he shall not be required to answer the question nor be liable to any penalties for refusing so to answer;
 - (vi) to admit any evidence, whether written or oral, which might be inadmissible in civil or criminal proceedings;
 - (vii) to direct that any person attending before the Rent Commissioner to give evidence or produce any document in his possession shall be paid his travelling expenses together with an allowance at a rate which shall not exceed that specified in Schedule II to the Magistrates' Courts Procedure Rules, 1940, and that any person applying for the issue of a summons to any person to attend before the Rent Commissioner to give evidence or produce any document in his possession shall, before such summons is issued, deposit with the Rent Commissioner such sum as appears to the Rent Commissioner to be sufficient to cover the travelling expenses of, and allowance due to, the person to be summoned;
 - (viii) to award costs, including advocates' fees, and witnesses' travelling expenses and allowances, and to direct to and by whom, and in what manner such costs or any part thereof shall be paid and to tax or settle the amount of costs to be so paid, or any part thereof.

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Recovery of
fine imposed
by Rent Com-
missioner and
of other monies:

7B.—(1) Any fine imposed by a Rent Commissioner under section 7A shall be recovered in the same manner as a fine imposed by a court of law.

(2) Where any person is ordered to pay any amount under section 7A, not being costs directed to be paid under paragraph (viii) of that section, such amount shall be a debt due from such person to the Government and shall be recoverable accordingly."

7. Section 8 of the principal Ordinance shall be repealed and the following section shall be substituted therefor :—

• Appeals from
Rent Commis-
sioner.

8.—(1) Any person aggrieved by any decision of a Rent Commissioner may —

(a) within fourteen days of the date of delivery of such decision, if such decision is delivered in his presence, or

(b) within fourteen days of the date on which a copy of such decision under the hand of the Rent Commissioner is served upon him, if such decision is not delivered in his presence,

appeal from such decision to a Rents Tribunal appointed under the provisions of this Ordinance which shall, after hearing the parties interested therein, decide any question referred to it.

(2) A Rents Tribunal shall have power to award costs, including advocates' fees, and to direct to and by whom, and in what manner such costs, or any part thereof, shall be paid, and to tax or settle the amount of costs to be so paid, or any part thereof."

8. Section 9 of the principal Ordinance shall be repealed and the following section shall be substituted therefor:—

“Appeals from
Rents Tribunals.

9.—(1) Any person aggrieved by any decision of a Rents Tribunal may appeal therefrom to the District Court by leave of that Court.

(2) Application for leave to appeal under subsection (1) shall be made —

(a) within fourteen days of the date of the delivery of the decision of the Rents Tribunal, if such decision is delivered in the presence of the applicant for such leave, or

(b) within fourteen days of the date on which a copy of the decision of the Rents Tribunal under the hand of the Chairman thereof is served upon the applicant for such leave, if such decision is not delivered in his presence,

and, if such leave is granted, the appeal shall be entered —

(i) within fourteen days of the date of the making of the order granting such leave, if such order is made in the presence of the applicant therefor, or

Repeal and
replacement
of section 8
of the prin-
cipal Ordinance.

Repeal and
replacement
of section 9
of the principal
Ordinance.

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Reference: FO 371 / 61869

(ii) within fourteen days of the date on which such applicant therefor is notified that he has been granted such leave if the order granting it is not made in his presence:

Provided that an applicant for leave to appeal may apply therefor before being served with a copy of the decision of the Rents Tribunal under the hand of the Chairman thereof or may enter an appeal before being notified that he has been granted leave to appeal."

Amendment of section 10 of the principal Ordinance.

9. Section 10 of the principal Ordinance shall be amended by the repeal of subsections (1) and (2) thereof and the substitution therefor of the following subsections:—

"Appointment of Rent Commissioner.

10.—(1) Where this Ordinance has been applied to a municipal area the municipal council thereof shall appoint a number of Rent Commissioners not exceeding twenty-four at such remuneration as may be approved by the District Commissioner which shall be paid from the municipal fund.

(1A) Where this Ordinance has been applied to a local council area the local council thereof shall appoint a number of Rent Commissioners not exceeding eighteen at such remuneration as may be approved by the District Commissioner which shall be paid from the local council fund.

(1B) Where this Ordinance has been applied to any area other than a municipal or local council area the District Commissioner shall appoint a number of Rent Commissioners not exceeding eighteen at such remuneration as may be approved by the High Commissioner which shall be paid from the general revenues of Palestine.

(2) If any municipal council fails to appoint any or sufficient Rent Commissioners within fourteen days of the date when this Ordinance is applied in accordance with subsection (1) of this section, the District Commissioner may appoint such number of Rent Commissioners as may appear to him to be necessary but so that the total number appointed does not exceed twenty-four. The Rent Commissioners so appointed shall be paid such remuneration as the District Commissioner may direct from the municipal fund.

(2A) If any local council fails to appoint any or sufficient Rent Commissioners within fourteen days of the date when this Ordinance is applied in accordance with subsection (1A) of this section, the District Commissioner may appoint such number of Rent Commissioners as may appear to him to be necessary but so that the total number appointed does not exceed eighteen. The Rent Commissioners so appointed shall be paid such remuneration as the District Commissioner may direct from the local council fund."

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Reference: **FO** 371 / 61869

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Section 11 of the principal Ordinance shall be amended by the re-
l of subsections (1) and (2) thereof and by the substitution there-
for of the following subsections:—

Appointment
of Rents
Tribunal.

11.—(1) Where this Ordinance has been applied to a municipal area, the Rents Tribunal shall consist of three persons appointed by the District Commissioner from a list of not less than six persons nominated by the municipal council, one of whom shall be appointed by the District Commissioner as chairman:

Provided that if within fourteen days of the date when this Ordinance is applied to a municipal area the municipal council shall not prepare such a list the District Commissioner may appoint three fit persons as a Rents Tribunal.

(1A) Where this Ordinance has been applied to a local council area, the Rents Tribunal shall consist of three persons appointed by the District Commissioner from a list of not less than six persons nominated by the local council, one of whom shall be appointed by the District Commissioner as chairman:

Provided that if within fourteen days of the date when this Ordinance is applied to a local council area the local council shall not prepare such a list the District Commissioner may appoint three fit persons as a Rents Tribunal.

(1B) Where this Ordinance has been applied to any area other than a municipal or local council area the Rents Tribunal shall consist of three persons appointed by the District Commissioner, one of whom shall be appointed by the District Commissioner as chairman.

(2) The members of a Rents Tribunal appointed under subsection (1) of this section shall be paid such remuneration as may be fixed by the municipal council with the approval of the District Commissioner, or, if the municipal council shall not fix any remuneration, such remuneration as the District Commissioner may fix, which shall be payable from the municipal fund.

(2A) The members of a Rents Tribunal appointed under subsection (1A) of this section shall be paid such remuneration as may be fixed by the local council with the approval of the District Commissioner, or, if the local council shall not fix any remuneration, such remuneration as the District Commissioner may fix, which shall be payable from the local council fund.

(2B) The members of a Rents Tribunal appointed under subsection (1B) of this section shall be paid such remuneration as may be fixed by the District

Amendment of
section 11 of
the principal
Ordinance.

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Reference: **FO** 371 / 61869

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Commissioner with the approval of the High Commissioner, which shall be payable from the general revenues of Palestine."

Amendment of section 12 of the principal Ordinance.

11. Section 12 of the principal Ordinance shall be amended by the substitution of the word "and" for the word "of" appearing in the first line of subsection (2) thereof.

Repeal of section 14 of the principal Ordinance.

12. Section 14 of the principal Ordinance shall be repealed.

Transitory provisions.

13.—(1) No execution proceedings for the eviction of any tenant from any premises in respect of which an agreement of tenancy had been made for a term of not less than three years shall, notwithstanding that such agreement expired before the sixth day of January, 1944, be commenced, continued, or completed, pursuant to any judgment given or order made before the eighth day of August, 1944, whether before or after the sixth day of January, 1944, if such judgment could not have been lawfully given or such order could not have been lawfully made had this Ordinance been in force at the time such judgment was given or such order was made.

Gaz: 24.12.42,
p. 1938.

Gaz: 6.1.44,
p. 1.

Gaz: 23.2.46,
p. 358

(2) Any appointment made under section 10 or 11 of the principal Ordinance, as amended by the Defence (Amendment of the Rent Restrictions (Business Premises) Ordinance, 1941) Regulations, 1942, and the Defence (Amendment of the Rent Restrictions (Business Premises) Ordinance, 1941) Regulations, 1944, and in force immediately before the commencement of the Defence (Amendments of the Rent Restrictions (Business Premises) Ordinance, 1941) (Revocation) Regulations, 1946, shall respectively be deemed to have been made under section 10 or 11 of the principal Ordinance as amended by this Ordinance.

23rd February, 1946.

A. G. CUNNINGHAM
High Commissioner.

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Reference: **FO** 371 / 61869

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COURTS (AMENDMENT) ORDINANCE, No. 33 OF 1945.

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Reference:

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COURTS (AMENDMENT) ORDINANCE,

No. 33 of 1945.

AN ORDINANCE TO AMEND THE COURTS ORDINANCE, 1940, AND TO AMEND THE COURT FEES RULES, 1935.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

1. This Ordinance may be cited as the Courts (Amendment) Ordinance, 1945, and shall be read as one with the Courts Ordinance, 1940, hereinafter referred to as "the principal Ordinance".

Short title.
No. 31 of 1940.

2. Section 22 of the principal Ordinance is hereby amended by substituting the following for paragraph (b) of subsection (1) thereof:—

Amendment of
section 22 of the
principal
Ordinance.

"(b) for regulating the pleadings, practice and procedure of the Supreme Court, Court of Criminal Assize, district courts and land courts, and of execution offices; and for regulating the pleadings, practice and procedure in relation to applications to, and proceedings before, judges and officers of any such courts and in relation to applications to, and proceedings before, execution officers; and for prescribing the forms to be used and the fees to be paid in relation to all such matters;".

3.—(1) The Court Fees Rules, 1935, are hereby amended by inserting in the Schedule thereto, between items 55 and 56, a new item 55A as follows:—

Amendment of
Court Fees Rules,
1935.
Gaz: 26.9.35,
p. 899.

"55A. On sale by auction of mortgaged property in execution proceedings at the request of the mortgagee:—

(i) in respect of application for sale, on the amount of the mortgage debt together with interest due thereon at the date of application

1%

(ii) in respect of sale, on the purchase price

1½%

For the purposes of paragraphs (i) and (ii) above, a sale shall be deemed to take place when a mortgagee makes a bid by virtue of which he is entitled to have the mortgaged property provisionally registered in his name under subsection (2) of section 10 of the Credit Banks Ordinance or section 3 of the Mortgage Law (Amendment) Ordinance, and the amount of such bid shall be deemed to be the purchase price:

Provided that, if the amount of any fee payable as above would exceed £P.50, the fee shall be £P.50.

The fees under paragraph (i) above shall be payable by the mortgagee. The fees under paragraph (ii) above shall be deductible from the proceeds of sale. Save in so far as they are so deducted, they shall be payable by the mortgagee. The mortgagee shall be entitled to recover the amount of any fees paid by him under paragraphs (i) and (ii) above from the mortgagor."

Cap. 29.
Cap. 95.

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Reference: **FO** 371 / 61869

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(2) For the avoidance of doubt, it is hereby declared that the new item 55A as enacted above may be amended or revoked by rules made under section 22 of the principal Ordinance.

Validation.

4. No provision of the Court Fees Rules, 1935, as from time to time amended shall be liable to be challenged as being *ultra vires* the powers under which it was made if it would not have been so *ultra vires* had those powers included the power to make rules for any of the purposes mentioned in section 22 of the principal Ordinance as amended by this Ordinance.

3rd September, 1945

J. V. W. SHAW
Officer Administering the Government.

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Reference: FO 371 / 61869					

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COURTS (AMENDMENT) ORDINANCE, No. 20 OF 1944.

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Reference:

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COURTS (AMENDMENT) ORDINANCE,
No. 20 of 1944.

AN ORDINANCE TO AMEND THE COURTS ORDINANCE, 1940.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

1. This Ordinance may be cited as the Courts (Amendment) Ordinance, 1944, and shall be read as one with the Courts Ordinance, 1940, hereinafter referred to as "the principal Ordinance".

Short title.
No. 31 of 1940.

2. Subsection (2) of section 15 of the principal Ordinance shall be amended by the insertion of the words "or Law Reporter or Assistant Legal Draftsman" immediately after the words "or registrars of courts" appearing in paragraph (b) of the said subsection.

Amendment of
section 15 of the
principal
Ordinance.

23rd June, 1944.

HAROLD MACMICHAEL
High Commissioner.

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Reference: **FO** 371 / 61869

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COURTS (AMENDMENT) ORDINANCE, No. 10 OF 1943.

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Reference:

FO

371

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COURTS (AMENDMENT) ORDINANCE,
No. 10 of 1943.

AN ORDINANCE TO AMEND THE COURTS ORDINANCE, 1940.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

1. This Ordinance may be cited as the Courts (Amendment) Ordinance, 1943, and shall be read as one with the Courts Ordinance, 1940, hereinafter referred to as "the principal Ordinance".

Short title.
No. 31 of 1940.

2. Subsection (2) of section 19 of the principal Ordinance shall be amended by the insertion of the words "or registrars" immediately after the word "judges" occurring in the second line thereof.

Amendment of
section 19 of
the principal
Ordinance.

18th June, 1943.

J. S. MACPHERSON
Deputy to the High Commissioner.

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Reference:

FO

371

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COURTS (AMENDMENT) ORDINANCE, No. 20 OF 1942.

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Reference:

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AN ORDINANCE TO AMEND THE COURTS ORDINANCE, 1940.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:

- HAROLD MACMICHAEL
High Commissioner.

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Reference:

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No. 31 of 1940.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof :

2.—(1) The Supreme Court of Palestine shall be constituted by so many judges as the High Commissioner may appoint.

3. The Supreme Court, sitting as a Court of Criminal Appeal, shall consist of—

Provided that the Chief Justice may, if in his opinion it is desirable so to do for the hearing of any appeal, constitute a court consisting of—

The British puisne judges, the presidents of district courts, the relieving presidents of district courts and the Palestinian judges of the Supreme Court.

4. Any interlocutory order made in an appeal to the Supreme Court may be made by the Chief Justice or any judge of the Supreme Court sitting alone.

Provided further that any party to any proceeding in the High Court of Justice or in the Court of Civil Appeal may, at any time before the date of the hearing of such proceeding is fixed, apply

Supreme Court
as Court of
Criminal Appeal.

Supreme Court
as High Court
or Court of
Civil Appeal.

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Reference: **FO** 371 / 61869

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in writing to the Chief Registrar asking that the Court for the hearing of such proceeding shall be constituted of British judges, or with a majority of British judges, and such Court shall thereupon be so constituted.

The senior British judge present shall preside.

(2) Where the Supreme Court, sitting as a High Court of Justice or as a Court of Civil Appeal, consists of two judges and there is a disagreement between them, the Chief Justice shall appoint a third judge to the Court and the matter shall be re-heard.

6. The Supreme Court, sitting as a Court of Admiralty, shall consist of one judge thereof.

Where such judge considers that the nature of the case renders it desirable so to do, he may appoint not more than two qualified persons as assessors and such assessors shall hear the evidence and advise the Court but shall not take any part in the judgment of the Court.

The remuneration, if any, to be paid to an assessor, shall be determined by the Court.

7. The High Court of Justice shall have exclusive jurisdiction in the following matters :—

- (a) applications (in the nature of *habeas corpus* proceedings) for orders of release of persons unlawfully detained in custody;
- (b) orders directed to public officers or public bodies in regard to the performance of their public duties and requiring them to do or refrain from doing certain acts;
- (c) questions of change of venue in the trial of civil actions in district courts and land courts;
- (d) applications for orders directed to a magistrate in regard to the conduct of any preliminary enquiry held under the provisions of the Criminal Procedure (Trial Upon Information) Ordinance.

8. The Supreme Court shall sit at Jerusalem or at such other place as may from time to time be prescribed by the Chief Justice.

9.—(1) The Special Tribunal referred to in Article 55 of the Palestine Order in Council, 1922, shall consist of two British judges of the Supreme Court and the president of the highest court in Palestine of any religious community which is alleged by any party to the action to have exclusive jurisdiction in the matter, or a judge appointed by such president.

(2) The senior British judge present shall preside over the Tribunal.

Supreme Court sitting as a Court of Admiralty.

Exclusive jurisdiction of Supreme Court as High Court.

Cap. 36.

Place of sitting.

The Special Tribunal under Article 55 of the Palestine Order in Council, 1922.

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Reference: **FO** 371 / 61869

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(3) If any judge representing the court of a religious community fails, after having been invited, to attend at the time and place appointed for the hearing of the matter, a Special Tribunal may proceed with the hearing in his absence.

10. The Court of Criminal Assize shall consist of—

- (a) the Chief Justice or a British puisne judge; and
- (b) a British puisne judge or a president of a district court or a relieving president of a district court; and
- (c) a Palestinian judge :

Provided that at or before the commencement of any trial by a Court of Criminal Assize an accused person may apply to be tried by a British judge of the Supreme Court sitting alone and upon such application being made such person shall be so tried.

11. The Court of Criminal Assize shall sit in each District, at such places as the Chief Justice shall direct, for the trial of offences for which the sentence may be one of death.

12.—(1) The district court shall consist of as many judges as the High Commissioner may appoint.

(2) The president shall be a British judge.

(3) The district court shall be constituted as follows :—

- (a) civil actions shall be tried by a president or a relieving president or two judges :

Provided that any party to any action may, at any time before the date of the hearing thereof is fixed, apply in writing to the Registrar asking that such action shall be tried by a president or a relieving president sitting alone, and upon any such application being made, such action shall be so tried.

Where any action is tried by two judges under the provisions of this paragraph, and there is a disagreement between such judges, the president shall appoint a third judge to the court and the action shall be re-heard, unless the court and all parties to the proceedings agree to the third judge delivering his judgment upon a perusal of the record and without a re-hearing :

- (b) criminal trials upon information shall be tried by three judges, one of whom shall be the president or a relieving president who shall preside :

Provided that at or before the commencement of any such trial an accused person may apply to be tried by a British

The Court
of Criminal
Assize.

Place of
sitting and
jurisdiction of
the Court of
Criminal
Assize.

Constitution
of district
courts.

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Reference: **FO 371 / 61869**

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judge sitting alone, and upon any such application being made such person shall be tried by the president or relieving president sitting alone as the president shall determine;

- (c) summary criminal trials shall be tried by the president or a relieving president and one judge :

Provided that at or before the commencement of any such trial an accused person may apply to be tried by a British judge sitting alone, and upon any such application being made such person shall be tried by the president or relieving president sitting alone as the president shall determine;

- (d) on the hearing of civil or criminal appeals the court shall consist of the president or a relieving president or two judges :

Provided that any party to an appeal may, at any time before the date of the hearing thereof is fixed, apply in writing to the Registrar asking that such appeal shall be heard by a president or relieving president sitting alone, and upon any such application being made such appeal shall be so heard.

Where any appeal is heard by two judges under the provisions of this paragraph, and there is a disagreement between such judges, the president shall appoint a third judge to the court and the appeal shall be re-heard, unless the court and all parties to the proceedings agree to the third judge delivering his judgment upon a perusal of the record and without a re-hearing;

- (e) on the hearing of appeals in interlocutory matters the court shall consist of one judge.

- (4) The president or a relieving president when sitting alone under the provisions of the preceding subsections shall constitute a district court for all the purposes of this Ordinance.

- (5) Where under any law, Ordinance or rule of court any jurisdiction or power is vested in the president of a district court, such jurisdiction or power may be exercised by a relieving president of a district court.

- (6) In the Sub-District of Beersheba, the district court may sit, at the discretion of the president, with two assessors chosen from the sheikhs of the District: not more than one assessor shall be chosen from the tribe to which either of the parties belongs: an assessor shall not be entitled to a voice in the judgment of the court but, if he so desires, he may have his opinion recorded: any party to an action may object to an assessor, and the president may allow or disallow such objection as he thinks fit.

- (7) The Chief Justice may make rules determining the local jurisdiction of the district courts.

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Reference: **FO** 371 / 61869

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13.—(1) The High Commissioner in Council may from time to time by order provide that the provisions of this section shall apply to the trial of criminal cases arising out of any incidents or disturbances as may be stated in such order.

(2) The decision whether a particular case falls within the operation of such order shall rest with a court of trial from whose decision there shall be no appeal.

(3) Where the High Commissioner in Council has made any order under subsection (1) of this section the following provisions shall apply to the trial of any case to which such order applies, or to the hearing of any appeal in connection therewith, notwithstanding anything contained in this Ordinance or in any other law or Ordinance:—

(a) a district court for the trial of cases summarily or upon information shall consist of the president or a relieving president;

(b) the Court of Criminal Assize shall consist of—

(i) the Chief Justice or a British puisne judge; and

(ii) a British puisne judge or a president of a district court or a relieving president of a district court;

(c) a district court for the hearing of appeals shall consist of the president or a relieving president;

(d) a district court for the purposes of section 9 of the Collective Punishments Ordinance, shall consist of the president or a relieving president.

(4) Notwithstanding anything contained in the Criminal Procedure (Trial Upon Information) Ordinance, the provisions of that Ordinance with regard to preliminary enquiries before a magistrate and to the trial of cases upon information shall not apply to cases triable by a district court constituted in accordance with the provisions of the preceding subsection, and such cases shall be tried summarily by such court, unless the Attorney-General shall in any particular case otherwise direct.

14.—(1) Every judge of the Supreme Court or of a district court shall, except in the case hereinafter provided, be appointed by an instrument in writing, under the public seal of Palestine, by the High Commissioner in accordance with such instructions as he may receive from His Majesty, and shall hold office during the pleasure of His Majesty:

Provided that, if the office of any such judge shall become vacant by death or otherwise, it shall be lawful for the High Commissioner to appoint by commission under the public seal of Palestine another fit and proper person to fill the said office so vacant until His Majesty's pleasure be known and, in case of the tem-

Constitution of certain courts in certain circumstances and provisions for summary trial.

Cap. 20.

Cap. 36.

Appointment of judges.

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Reference: FO 371 / 61859					

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porary illness or absence of any judge, it shall be lawful for the High Commissioner to appoint in like manner another fit and proper person to fill the office of such judge until he shall resume his duties :

Provided also that it shall be lawful for the High Commissioner to appoint, by warrant under his hand, fit and proper persons to sit as judges of a district court by provisional appointment on probation for a period not exceeding two years.

(2) It shall be lawful for the Chief Justice for a temporary purpose to appoint any judge of the Supreme Court to sit as a judge of the district court, and any judge of a district court to sit as a judge of the Supreme Court or of another district court, either generally or for the purpose of any particular case.

(3) The Chief Justice may, where he considers it expedient so to do—

- (a) exercise the jurisdiction and powers of, or perform any duties assigned by any Ordinance to, a president of a district court, or
- (b) appoint any other British judge of the Supreme Court to exercise such jurisdiction and powers or perform such duties.

(4) The Chief Justice may, where he considers it expedient so to do, appoint, for a period not exceeding one month at any one time,—

- (a) a British magistrate to act as a relieving president of a district court, and
- (b) a Palestinian magistrate to act as a judge of a district court.

Qualification
of British and
Palestinian
judges.

15.—(1) The persons qualified to be appointed as British judges are :—

- (a) British judges of any court in Palestine already appointed at the date of the commencement of this Ordinance;
- (b) any person being a British subject who —
 - (i) is qualified to practise as an advocate in a Court in England, Scotland, Northern Ireland or some other part of His Majesty's dominions having unlimited jurisdiction either in civil or criminal matters, and
 - (ii) has been qualified for not less than five years to practise as an advocate or solicitor in such court :

Provided that, for the purpose of a temporary appointment in case of the illness or absence of a judge or of a vacancy in the office of a judge, the High Commissioner may, if expedient, appoint some fit and proper person who may not be qualified as above.

(2) The persons qualified to be appointed as Palestinian judges are :—

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Reference: FO 371 / 61859					

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- (a) judges of any court in Palestine already appointed at the date of the commencement of this Ordinance;
- (b) persons who have held office in Palestine as magistrates or registrars of courts or assistant or junior government advocates or inspectors of the courts for not less than three years in any one of these offices or consecutively in one and any one of the other offices;
- (c) advocates of Palestine of not less than three years standing.

16. The Supreme Court, the Court of Criminal Assize and district courts shall have and use as occasion may arise a seal or stamp bearing the sign of such court and such device as the High Commissioner may from time to time approve.

Seals of court.

17. Every court hereby established shall be deemed to be duly constituted during and notwithstanding any vacancy in the office of any of the judges thereof.

Court when duly constituted.

18. The High Commissioner may appoint a sufficient number of persons to be attached to the Supreme Court and to each of the district courts as registrars, clerks and interpreters who shall respectively perform such duties in execution of the powers and authorities of the court to which they are respectively attached as may from time to time be assigned to them by rules of court or, subject thereto, by any special order of the court to which they are attached.

Clerks and interpreters.

19.—(1) It shall be lawful for the High Commissioner, by order, to nominate chief execution officers who shall be charged with the execution of the orders of the courts in the preceding sections referred to, and, in default of any such appointment, such duties shall be discharged in each District by the district commissioner thereof, and while discharging such duties, the district commissioner shall, for the purposes of this section, be deemed to be the chief execution officer.

Execution of order of the court.

(2) A chief execution officer may, by an instrument under his hand, appoint one or more judges or magistrates to act as his assistant or assistants who, subject to any general or special directions of the chief execution officer and to such limitations as he may impose, may do all or any of the acts, matters or things which are required or authorised to be done by a chief execution officer and, subject as aforesaid, any such act, matter or thing done by an assistant shall be as valid and effective as if done by the chief execution officer.

20.—(1) The president of the district court or land court may, when he considers that the nature of the dispute renders it desirable so to do, appoint assessors and such assessors shall hear the evidence and advise the court but shall not take part in the judgment of the court.

Assessors.

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Reference: **FO** 371 / 61869

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(2) Where the dispute is of a commercial nature, the assessors shall be persons of commercial experience.

(3) When it shall appear on the trial of an action that the matter in question consists wholly or mainly of accounts, the court may refer the accounts to a referee in accordance with any rules of court relating thereto.

Change of
venue in
criminal trials.

21. The Chief Justice may change the venue of criminal trials in the Court of Criminal Assize or in the district courts.

Rules of court.

22.—(1) Subject to the provisions of any Ordinance, the Chief Justice may, with the concurrence of the High Commissioner, make rules for carrying this Ordinance into effect, and, in particular, for all or any of the following matters :—

(a) for regulating the sittings of the Supreme Court, the Court of Criminal Assize, the district courts and land courts:

(b) for regulating the pleadings, practice and procedure of the Supreme Court, Court of Criminal Assize, district courts and land courts, including all matters connected with the forms to be used and the fees to be payable;

(c) for regulating the taxation of costs and prescribing the scale of remuneration of advocates in all business within the scope of the profession of an advocate;

(d) for defining, so far as may be conveniently defined by general rules, the duties of the several officers of the various courts.

(2) Until the Chief Justice shall have made rules regulating any of the matters referred to in this section the practice and procedure in force in regard to any such matter at the date of the commencement of this Ordinance shall continue to be followed and be deemed to be valid in all respects.

Power of
Chief Justice
to make orders.

23. Notwithstanding anything contained in this Ordinance or any rule of court or other enactment, the Chief Justice may, by order to be published in the *Gazette*, make provision for dealing with any urgent matters in the Supreme Court or the district courts or land courts, and for dealing with the execution of judgments or orders and otherwise as may be necessary, during any court vacation.

Rules for
tribal courts.

24. The Chief Justice, in consultation with the District Commissioner of the Gaza District, may make rules for the procedure of the tribal courts and for the fees to be paid in respect of proceedings therein.

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Reference: FO 371 / 61869					

25.—(1) The Supreme Moslem Sharia Council, with the approval of the High Commissioner, may, by order, fix the fees and percentages to be taken in the Moslem religious courts, or in any office connected with any of those courts, or in which any business connected with any of those courts is conducted, or by any officer who is attached to any of those courts, or any judge of those courts, and may, by order, increase, reduce or abolish all or any of such fees and percentages and appoint new fees and percentages to be taken in such courts or offices, or any of them, or by any such officer as aforesaid.

Fixing of fees
in Moslem
Courts.

(2) Any order made under this section may abolish any former fees and percentages which may be taken in the said courts or offices, or any of them, or by the said officers or any of them, but, subject to the provisions of any order made in pursuance of this section, the former fees and percentages shall continue to be taken, applied and accounted for in the same manner as formerly and shall be deemed to have been lawfully made and imposed.

26. The Ordinance set out in the First Schedule to this Ordinance is hereby amended to the extent stated in the third column of that Schedule.

Amendment.

27.—(1) The Ordinances set out in the Second Schedule to this Ordinance are hereby repealed :

Repeal
and saving.

Provided that any rules of court, rules or orders made under the Ordinances hereby repealed, in force at the commencement of this Ordinance, shall remain in full force and effect until amended or revoked by rules or orders made under the provisions of this Ordinance.

(2) Nothing in this Ordinance shall be deemed to affect the jurisdiction of any court to try any action or matter, or hear any appeal the trial or hearing of which has actually commenced before the first day of January, 1940, and such action, matter or appeal shall be tried or determined as though this Ordinance had not come into force.

THE FIRST SCHEDULE.

(Section 26).

Chapter

Short title

38

Crown Actions
Ordinance.

Section 7 shall be amended by the deletion of the proviso thereto.

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— 10 —

THE SECOND SCHEDULE.

(Section 27(1)).

Chapter or
No. and year

Short title.

Cap. 28
No. 27 of 1936
No. 47 of 1936

Courts Ordinance.
Courts (Temporary Constitution) Ordinance, 1936.
Courts (Temporary Constitution) (Further Provisions)
Ordinance, 1936.

HAROLD MACMICHAEL
High Commissioner.

22nd July, 1940.

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Registry
No. E8645/568/31

J.E.C.

Top Secret.
Secret.
Confidential.
Restricted.
Open.

Draft.

To
Mr. Mathieson (C.O.)
from
Mr. Gable

OUT FILE

36d-

83

In your letter ^{to Beith} no. 75125/47
of the 17th September about
the proposed changes in the
Palestine judicial system, you
~~suggested that~~ enclosed copies
of the relevant ordinances and
their amendments so that we
might decide what intimation
of the Govt. of Palestine's
intentions should be given
to the French and U.S. Govts.

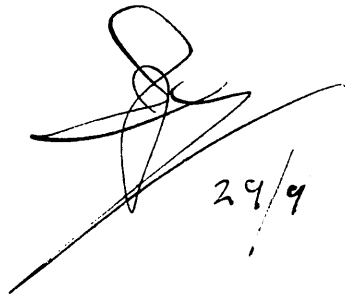
2. I now enclose a
draft despatch to H.M. Ambassadors
in Paris and Washington. This
appears to us to contain all
the information required. As, however,
this is a matter which primarily
concerns

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concerns your Dept., we should
be grateful to receive your
concurrence before actually
sending the despatch.


29/9

84

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FOREIGN OFFICE, S.W.1. 85

3rd October, 1947.

OUT FILE

(E 8645/568/31)

Restricted

In your letter to Beith No. 75125/47 of the 17th September about the proposed changes in the Palestine judicial system, you enclosed copies of the relevant ordinances and their amendments so that we might decide what intimation of the Government of Palestine's intentions should be given to the French and United States Governments.

2. I now enclose a draft despatch to His Majesty's Ambassadors in Paris and Washington. This appears to us to contain all the information required. As, however, this is a matter which primarily concerns your Department, we should be grateful to receive your concurrence before actually sending the despatch.

(J.E. Cable)

W.A.C. Mathieson, Esq.,
Colonial Office.

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Registry
No. 8645/568/31
J.E.C.

OUT FILE

for Draft / on

37
86

Draft. Despatch

TO
H.M. Ambassador
Paris

No ----

H.M. Ambassador
Washington

No ----

See minute
Mr. Evans first

Copy to:

C.O. (Mr. Matheson)
+ extra copy for
H.C. Palestine

In
my Lord,

I shall be grateful if
you will notify the
Y.E.
your Lordship
Govt. to which you are accredited
that the Govt. of Palestine propose
to amend the Courts Ordinance
of 1940 in such a manner as
to abolish the existing right of
election, whereby a ^{party} litigant
in a case before the ^{Supreme Court} or a
District Court is entitled
to claim that a British Judge
shall try his case.

2. The origin of this right
is as follows. Certain Powers possessed
capitulatory rights in Palestine under
the Turkish regime. When Palestine
became a British Mandate, it was
decided that the capitulations should be
suspended but that a particular
obligation in regard to the administration
/ 2

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4. Palestine has now reached a stage in her development where it is no longer considered either necessary or advisable to draw any distinction between British and Palestinian judges. These considerations are reinforced by the increase in the volume of

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CO. INQUIRY OF THE PUBLIC RECORD OFFICE, LONDON

Draft.

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of litigation and the shortage of
British judges. ~~and~~ The action
5. ~~The action proposed~~
~~by the Palestine Govt. would~~
~~make the legal position~~
~~there analog~~

proposed by the Govt. of Palestine is analogous to that taken by the Syrian and Lebanese Govts when, by agreement with H.M.G. and the Govts of France and the U.S., they abolished the "Mixed Courts" dealing with all cases concerning the rights and property of foreigners and substituted a new system whereby such cases were taken by local judges in ~~substituting~~ the same ~~courts~~ ^{courts} as cases concerning Syrian and Lebanese nationals.

S. H.M.G. do not present
any objection to these proposals
but have thought it preferable,
as a matter of courtesy, to give
advance notice of them to the
French and U.S. Govts. of France and of the

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6. I am addressing a similar despatch to H. H. Ambassador at ~~Paris~~ ^{Washington} and ~~am sending~~ a copy ^{to} the High Commissioner for Palestine.

I am etc.

RG
v 27/9

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8645/568/31

FOREIGN OFFICE, S.W.1.

3rd October, 1947.

OUT FILE

62

Sir,
My Lord,

Despatch.

H.M. Ambassador,
Paris.

No.....

H.M. Ambassador
Washington.

No.....

I shall be grateful if Your Excellency
Your Lordship
will notify the Government to which you are
accredited that the Government of Palestine
propose to amend the Courts Ordinance of 1940
in such a manner as to abolish the existing right
of election, whereby a party in a case before
the Court of Criminal Assize or a District
Court is entitled to claim that a British Judge
shall try his case.

2. The origin of this right is as follows:
Certain Powers possessed capitulatory rights
in Palestine under the Turkish régime. When
Palestine became a British Mandate, it was
decided that the capitulations should be
suspended but that a particular obligation in
regard to the administration of justice should
be placed in the Mandatory Power. Article IX
of the Mandate accordingly laid down that "The
Mandatory shall be responsible for seeing that
the judicial system in Palestine shall assume
to foreigners, as well as to natives, a
complete guarantee of their rights".

3. This article of the Mandate was
originally implemented by an Order-in-Council
giving nationals of any European or American
State and of Japan the special rights mentioned
in paragraph 1 above. These rights were
gradually extended so as to apply, first to all
foreigners, and, in 1935, to all persons in
Palestine whether foreigners or Palestinians.

4.

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4. Palestine has now reached a stage in her development where it is no longer considered either necessary or advisable to draw any distinction between British and Palestinian judges. These considerations are reinforced by the increase in the volume of litigation and the shortage of British judges. The action proposed by the Government of Palestine is analogous to that taken by the Syrian and Lebanese Governments when, by agreement with His Majesty's Government and the Governments of France and the United States, they abolished the "Mixed Courts" dealing with all cases concerning the rights and property of foreigners and substituted a new system whereby such cases were taken by local judges in the same courts as cases concerning Syrian and Lebanese nationals.

5. His Majesty's Government do not foresee any objection to these proposals but have thought it preferable, as a matter of courtesy, to give advance notice of them to the French and United States Governments.

6. I am addressing a similar despatch to His Majesty's Ambassador at Washington
Paris and a copy is being sent to the High Commissioner for Palestine.

I am etc.

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Colonial Office,
Church House,
Great Smith Street,
London, S.W. 1.

h.w.
92

My Reference.....75125/47.

October 7, 1947.

Your Reference

Dear Cable,

Thank you for your letter E.8645/568/31 of October 3 about the abolition of the right of election in the courts in Palestine.

--- We have now learned from Palestine that certain consequential adjustments have been made to the law relating to magistrates' courts and land courts, and I enclose a copy of the bills concerned. It might therefore be advisable to add to the end of the 1st paragraph of your draft something to the effect that "procedure in magistrates' courts and land courts will be brought into line with this amendment."

--- I have made certain small amendments to paragraph 2 of the draft which I return herewith. Otherwise it seems to us to meet the case.

Yours sincerely,
W.A.C. Mathieson

(W.A.C. Mathieson)

J.E. CABLE, ESQ.

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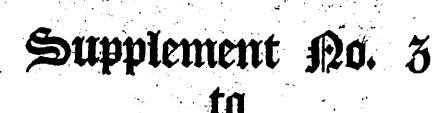
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The following DRAFT ORDINANCE is made public prior to enactment in accordance with Article 17(1)(d) of the Palestine Order in Council, 1922, as amended by Article 3 of the Palestine (Amendment) Order in Council, 1923.

11th July, 1947.
(J/88/46)

J. B. PRUEN
Clerk to the Advisory Council.

AN ORDINANCE TO CONSOLIDATE AND AMEND THE LAW REGARDING THE JURISDICTION
OF MAGISTRATES' COURTS AND TO PROVIDE FOR THE TRIAL OF CERTAIN OFFENCES.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof :—

- [illegible]

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(2) A senior magistrate means a person appointed as such by the Chief Justice or a magistrate authorised by the Chief Justice pursuant to section 6 hereof to act as such.

Jurisdiction.

3. Subject to the provisions of this Ordinance, magistrates' courts shall exercise jurisdiction as follows:—

(a) Criminal jurisdiction —

offences which are contraventions or misdemeanours:

Provided that—

- (i) a magistrate, other than a senior magistrate, may not for any such offence impose a penalty exceeding imprisonment for one year or a fine of one hundred pounds, or both such penalties;
- (ii) a senior magistrate may not for any such offence impose a penalty exceeding imprisonment for two years or a fine of two hundred pounds or both such penalties.
- (b) Actions concerning immovable property in accordance with the Land Courts Ordinance or of any other Ordinance conferring jurisdiction upon a land court in which the value of the property or the subject matter of the dispute does not exceed two hundred and fifty pounds.
- (c) Actions for the recovery of the possession of immovable property of any value.
- (d) Actions for the partition of immovable property and for Muhaya:

Provided that no partition of immovable property in a Town Planning Area shall be ordered unless it is proved by a plan duly certified by or on behalf of the Local Building and Town Planning Commission concerned that such partition conforms with the provisions of any town planning scheme under the provisions of the Town Planning Ordinance, 1936, and affecting such immovable property.

- (e) Civil actions (other than actions concerning immovable property) in which the value of the subject matter or the amount of damages claimed does not exceed two hundred and fifty pounds, and counter-claims to the same value or amount as in original actions:

Provided that where the counter-claim arises from the same subject matter or circumstances as the original action, the magistrate may try such counter-claim whatever may be the amount claimed in it.

4. No criminal proceedings or civil action or counter-claim which involves a decision as to the ownership of immovable property, if the value of such property is in excess of his jurisdiction under section 3(b) of this Ordinance, may be heard by a magistrate.

Limited jurisdiction as to ownership of immovable property.

No. 28 of 1936.

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5. The High Commissioner may, by warrant of appointment of a magistrate, restrict the jurisdiction of the magistrate to criminal or civil matters, or limit the criminal or civil matters in respect of which the magistrate shall exercise jurisdiction or impose such other restrictions or limitations respecting the matters within the jurisdiction of the magistrate as he thinks fit, and the magistrate shall exercise the jurisdiction possessed by a magistrate under this Ordinance and any other law or Ordinance for the time being in force affecting the jurisdiction of magistrates' courts, subject only to such restrictions or limitations.

High Commissioner may restrict jurisdiction.

6.—(1) In this section, the expression "criminal cause or matter" includes the holding of a preliminary enquiry in respect of an offence triable upon information.

Power of Chief Justice.

(2) Whenever the Chief Justice considers it expedient so to do he may, by warrant under his hand, authorise any magistrate who is not a senior magistrate to exercise the jurisdiction and powers of, or perform any duties assigned by law to, a senior magistrate, in relation to civil or criminal causes or matters, either generally or to such extent as may be specified in the warrant.

(3) A magistrate authorised as aforesaid shall have such jurisdiction and powers and may perform such duties accordingly, and, to the extent of such authorisation, shall be deemed to be a senior magistrate.

7.—(1) Subject to the provisions of section 9 of this Ordinance, where any person is charged with having committed a misdemeanour he may be brought before a magistrate and such magistrate shall inform such person that he has a right to be tried by the District Court and shall call the attention of such person to the appropriate proviso to paragraph (a) of section 3 of this Ordinance, and if such person elects to be tried by the District Court the magistrate shall not try such case, but shall remit it accordingly.

Trial of accused person.

(2) Notwithstanding anything contained in this section and subject to the provisions of section 9 of this Ordinance, any person charged with an offence to which this section applies may, in the first instance, be charged before a senior magistrate or a District Court.

8.—(1) Notwithstanding anything contained in section 7, any magistrate before whom any person is charged, if such magistrate is of opinion that the penalty which he is empowered to impose might be inadequate for the offence with which such person is charged, may at any time before such person is convicted or the charge otherwise disposed of —

Power of magistrate or Attorney General to remit case.

(a) if he is a magistrate, other than a senior magistrate, remit the case to a senior magistrate or to the District Court ; or

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(b) if he is a senior magistrate, remit such case to the District Court—

and such case shall be remitted accordingly.

(2) Notwithstanding anything contained in section 7 of this Ordinance and subsection (1) hereof, where any person is charged before a magistrate, the Attorney General or the Solicitor General may—

(a) if such person is charged before a magistrate other than a senior magistrate, require such case to be remitted to a senior magistrate or to the District Court; or

(b) if such person is charged before a senior magistrate, require such case to be remitted to the District Court

and such case shall be remitted accordingly.

9. Notwithstanding anything contained in this Ordinance, where it appears to the Attorney General that, by reason of the facts or otherwise, it is in the interests of justice that any person charged with a misdemeanour should be tried upon information he may, at any time before such person is convicted or the charge is otherwise disposed of, order that such person may be so tried and the offence alleged shall thereupon be enquired into and tried in accordance with the provisions of the Criminal Procedure (Trial Upon Information) Ordinance.

10. Where any person is brought before a District Court under the provisions of section 7 or 8 of this Ordinance, he shall be tried summarily by such Court.

11.—(1) The Chief Justice or the President of a District Court may change the place of trial in a civil action or action concerning immovable property or any criminal proceeding from one magistrate's court to another magistrate's court, when it may appear to him expedient so to do.

(2) The Chief Justice may, by order to be published in the *Gazette*, direct that all or any class of civil actions or actions concerning immovable property or criminal proceedings which, but for the provisions of this subsection would be tried in a particular magistrate's court, shall be tried in some other magistrate's court, and where such an order has been made such actions and proceedings shall be entered and tried accordingly, and any such actions and proceedings which have been entered for trial at the date of the order shall be transferred from the court in which they have been entered to a magistrate's court, to which the said order directs that they shall be transferred, unless in any particular case the Chief Justice shall otherwise direct.

(3) The Chief Justice may order a magistrate's court to sit at any particular place within a district, either generally or for the purpose of a particular action or proceeding.

Power of
Attorney General
to order trial
of misdemeanour
upon informa-
tion.

Cap. 36.

District Court
to try sum-
marily.

Venue.

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12.—(1) A convicted person, if the penalty imposed is a fine exceeding ten pounds or imprisonment exceeding seven days, shall have the right to appeal from a judgment of a magistrate's court to the District Court :

Appeals from
magistrates'
courts in
criminal cases.

Provided that in any other case the convicted person may, with the leave of the President thereof, appeal to the District Court.

(2) No appeal by a convicted person shall be heard except on one or more of the following grounds :—

- (a) that there was not evidence on which the court could lawfully find a fact or facts necessary to support the judgment, or
- (b) that the facts as found by the court do not constitute the offence of which the accused person was convicted, or
- (c) that evidence was wrongly admitted or excluded at the trial, or
- (d) that there has been some irregularity of procedure, or
- (e) that the punishment was excessive.

(3) The Attorney General or his representative shall have the right to appeal from any judgment of a magistrate's court in a criminal case to the District Court on any of the following grounds :—

- (a) that evidence was wrongly admitted or excluded;
- (b) that the law was misinterpreted,
- (c) that the law was wrongly applied to the facts, or
- (d) that the punishment awarded was insufficient.

(4) All criminal appeals under the provisions of this section shall be heard in open court if—

- (a) the president of the appellate court so directs generally, or in the case of any particular appeal or class of appeals, or
- (b) any party to the appeal, before the determination thereof, so requests. Such request shall be made in writing to the Registrar and filed in the registry of the appellate court.

(5) In determining an appeal in a criminal case the District Court may—

- (a) affirm the judgment of the magistrate's court and dismiss the appeal, or
- (b) amend the judgment of the magistrate's court either as to the description of the offence proved or the article or section of the law applicable and may increase or reduce the punishment and, in general, give such judgment as in its opinion

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(4) Leave to appeal to a District Court from any judgment of a magistrate's court in any civil matter in which an appeal therefrom does not lie as of right, may be granted by the President of a District Court.

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If leave to appeal is granted such appeal shall be entered within fifteen days of the date of the order granting leave if made in the presence of the applicant, or within fifteen days from the notification to him if made in his absence, and grounds of appeal shall be filed and, in civil actions, fees paid and security furnished, in accordance with the rules of court and practice regulating appeals applicable to the appellate court.

Commencement
of sentence.

17. Where any person convicted by a magistrate's court appeals to the District Court or to the Supreme Court sitting as a Court of Criminal Appeal under the provisions of this Ordinance, any sentence of imprisonment imposed upon such person shall, unless the District Court or the Supreme Court sitting as a Court of Criminal Appeal otherwise orders, commence to run from the date at which such person is first confined in virtue of the judgment :

Provided that any period, during which such person is released on bail pending the hearing of an appeal, shall be deducted and shall not be taken into account as part of such sentence.

Proceedings
against officials.

18. Where a charge is preferred against a Government official in respect of any act relative to his functions, the magistrate before whom complaint is made shall, before taking any proceedings with reference thereto other than issuing a warrant of arrest or search in urgent cases, refer the complaint to the Attorney General, and shall not proceed further in the matter except upon his instructions.

Where any such person is so charged in the first instance before a District Court with an offence triable summarily by such court, such court shall not proceed to the hearing of the charge without a certificate from the Attorney General that it is a proper case to be tried.

Complaints by
private persons.

19. Notwithstanding anything contained in Article 58 of the Ottoman Magistrates Law or in any other provision of the said law, the police may in any case in which they are satisfied that no public interest will be served by prosecuting a complaint, refuse to prosecute, but the complainant may, upon such refusal lay the complaint before a magistrate, and the provisions of this Ordinance shall thereupon apply to the hearing and determination thereof.

Attorney
General may
stay proceedings.

20.—(1) At any time during criminal proceedings which are being tried summarily before a District Court or a magistrate, the Attorney General may stay such proceedings by order in writing filed in the court before which they are pending.

(2) Notwithstanding that the Attorney General has entered a stay of proceedings in a criminal case the civil claimant, if any, shall not be prevented thereby from prosecuting his civil remedy

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and from producing in a civil court such evidence as may be necessary to establish his claim, even if such facts may tend to prove the commission of a criminal offence.

21.—(1) Where, upon the summary trial of any person for any offence, not being a contravention, it appears to the magistrate or the District Court that such person is guilty of the offence with which he is charged, but that at the time of the commission of such offence he was, by reason of any disease affecting his mind, incapable of understanding what he was doing or of knowing that he ought not to have done the act or made the omission constituting the offence, the court shall return a special verdict of "Guilty but insane" (or "Guilty but insane by reason of intoxication"), and shall direct that such person shall be detained during the pleasure of the High Commissioner.

(2) Where, in the course of a summary trial, other than a trial for a contravention, it appears to the magistrate or to the District Court that the person charged is insane so that he cannot be tried, the magistrate or the District Court shall direct him to be detained during the pleasure of the High Commissioner.

Where it is certified by two Government medical officers that a person detained under the provisions of this subsection is sane, and the High Commissioner is satisfied that it is proper to do so, he shall direct that such person shall be tried according to law for the offence with which he was charged.

(3) The High Commissioner may from time to time give directions as he thinks fit as to the custody of persons directed to be detained under the provisions of this section.

(4) Where it appears that any person charged with a contravention was at the date when such contravention is alleged to have been committed, or is at the date of the trial, insane, the court may discharge such person.

22. Upon any summary trial for an offence other than a contravention, the court may find the accused person guilty of an attempt to commit the offence charged, or of his being accessory after the fact thereto, or may convict him of an offence not set out in the charge sheet and without amendment of the charge:

Provided that such offence be covered by the evidence in the case and by findings of fact necessary to establish it and does not render the accused person liable to a greater punishment than did the original charge.

23. In any enquiry, trial or other proceeding to which this Ordinance applies, where the accused does not admit a previous conviction, such conviction may be proved, in addition to any other mode provided by any law for the time being in force—

Insanity of
accused.

Court may
find guilty of
an attempt, etc.

Proof of
previous con-
victions.

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(a) by an extract certified, under the hand of the officer having custody of the records or register of the court in which such conviction was had, to be a copy of the sentence or order; or

(b) by a certificate signed by the officer in charge of the prison in which the punishment or any part thereof was suffered, or by production of the warrant of commitment under which the punishment was suffered,

together with, in each of such cases, evidence as to the identity of the accused person with the person so convicted.

Exclusion of
persons from
court.

24.—(1) It shall be lawful for any court to exclude the public where it is necessary so to do for the administration of justice.

(2) No child (other than an infant in arms) who is, or appears to be, under the age of fourteen years shall be permitted to be present in court during the trial of any other person charged with an offence, or during any proceedings preliminary thereto, except during such time as his presence is required as a witness or otherwise for the purpose of justice; and any such child present in court when under this section he is not to be permitted to be so shall be ordered to be removed.

(3) Where, in any proceedings in relation to an offence against, or any conduct contrary to, decency or morality, a person who, in the opinion of the court, is under the age of sixteen years is called as a witness, the court may direct that all or any persons, not being members or officers of the court or parties to the case, their advocates, or persons otherwise directly concerned in the case, be excluded from the court during the taking of the evidence of that witness:

Provided that nothing in this subsection shall authorise the exclusion of bona fide representatives of a newspaper or news agency.

The powers conferred on a court by this subsection shall be in addition and without prejudice to any other powers of the court to hear proceedings in camera.

Power to
prohibit publi-
cation of certain
matter in
newspapers.

25.—(1) In relation to any proceedings in any court which arise out of any offence against, or any conduct contrary to, decency or morality, where any person concerned in the proceedings (either as being the person against or in respect of whom the proceedings are taken, or as being a witness therein) is, or appears to the court to be, under the age of sixteen years, the court may direct that—

(a) no newspaper report of the proceedings shall reveal the name, address or school, include any particulars calculated to lead to the identification of such person;

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(b) no picture shall be published in any newspaper as being or including a picture of such person, except in so far (if at all) as may be permitted by the direction of the court.

(2) Any person who publishes any matter in contravention of any such direction shall be guilty of a misdemeanour, and on conviction, be liable in respect of each offence to a fine of fifty pounds.

26.—(1) Where, in any proceedings against any person for any offence, any child of tender years called as a witness does not in the opinion of the court understand the nature of an oath, his evidence may be received, though not given upon oath, if, in the opinion of the court, he is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth :

Provided that where evidence admitted by virtue of this section is given on behalf of the prosecution the accused shall not be liable to be convicted of the offence unless that evidence is corroborated by some other material evidence in support thereof implicating him.

(2) If any child whose evidence is received as aforesaid wilfully gives false evidence in such circumstances that he would, if the evidence had been given on oath, have been guilty of perjury, he shall be liable on conviction to be dealt with as if he had been convicted of an offence punishable in the case of an adult with imprisonment.

27.—(1) The High Commissioner in Council may, from time to time, by order provide that the provisions of this section shall apply to the trial of criminal cases arising out of or in connection with any incidents or disturbances as may be stated in such order.

(2) The decision whether a particular case falls within the operation of such order shall rest with the magistrate before whom any person is brought, and there shall be no appeal from the decision of such magistrate thereon.

(3) Where the High Commissioner in Council has made an order under the provisions of this section, notwithstanding anything contained in section 7 of this Ordinance, any person brought before a magistrate on a charge arising out of or in connection with any incidents or disturbances to which such order applies, shall not be entitled to elect to be tried by a District Court.

28. The Chief Justice may, with the concurrence of the High Commissioner, make and when made may amend or revoke rules of court :—

(a) regulating the practice and procedure to be adopted in magistrates' courts and in any appeals from the decisions of such courts; and

Accused not to be convicted on the evidence of an unsworn child unless corroborated.

High Commissioner in Council may make order for the trial of certain cases.

Power of Chief Justice to make rules regulating practice and prescribing fees.

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- (b) providing for the interim attachment of property; and
- (c) prescribing the fees to be paid in respect of proceedings in magistrates' courts and in appeals from decisions of such courts; and
- (d) regulating the taxation of costs in magistrates' courts and the scale of remuneration of advocates in all business in such courts within the scope of the profession of an advocate; and
- (e) regulating the sittings of magistrates' courts.

Court may
adjourn hearing.

29. Where any person is brought before any court either for summary trial or for preliminary enquiry, such court may from time to time adjourn such trial or enquiry, and may direct that such person be detained in custody during such adjournment:

Provided that nothing herein shall be deemed to affect the provisions of any enactment as to release on bail.

Certain offences
may be tried
summarily.
Cap. 36.

30. Notwithstanding anything contained in the Criminal Procedure (Trial Upon Information) Ordinance, where a person is charged before a magistrate's court with an offence triable upon information, being one of the offences specified in the Schedule to this Ordinance, the Court, if it thinks it expedient so to do, having regard to—

- (a) any representation made in the presence of the accused, by or on behalf of the prosecutor or complainant;
- (b) the character and antecedents of the accused;
- (c) the nature of the offence;
- (d) the absence of circumstances which would render the offence one of a grave or serious character; and
- (e) all the other circumstances of the case (including the adequacy of the punishment which a magistrate's court has power to inflict);

and if the accused, when informed by the court of his right to be tried upon information, consents to be dealt with summarily, may deal summarily with the offence, and the provisions of this Ordinance as to the trial of offenders and as to appeals shall apply to the trial of such person as though he had been charged in the first instance with having committed a misdemeanour:

Provided that any evidence given in the presence of the accused before the court assumed the power to deal with such offence summarily may be used without being reheard, unless the prosecution or the accused shall desire to recall a witness already examined for the purpose of putting any further question.

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31.—(1) The Magistrates' Courts Jurisdiction Ordinance, 1939, is hereby repealed.

Repeal and
saving.
No. 45 of 1939.

(2) The provisions of the Ottoman Magistrates Law and of any amendments thereto concerning the jurisdiction of magistrates' courts so far as they are inconsistent with the provisions of this Ordinance, or any rules of court made thereunder, shall cease to have effect in Palestine.

(3) Where, prior to the coming into force of this Ordinance, an accused person has elected, or his case has been remitted, to be tried by a British magistrate, under the provisions of the Magistrates' Courts Jurisdiction Ordinance, 1939, or where the trial of an accused person has already commenced before a British magistrate, such case shall be tried by, or such trial shall continue before, a senior magistrate.

No. 45 of 1939.

THE SCHEDULE.

Offences under the following sections of the Criminal Code Ordinance, 1936 :

285, where the value of the subject	296
matter of the offence involved	297
does not exceed five pounds	298
	301
	325
	326, subsection (2)
	331.

295 (excluding burglary)

OBJECTS AND REASONS.

This Bill is designed to consolidate the Magistrates' Courts Jurisdiction Ordinance, 1939 and the amendments to it, which have been published from time to time. It also includes certain further amendments which are explained below.

No. 45 of 1939.

2. Section 2 of the Magistrates' Courts Jurisdiction Ordinance, 1939, gave a British Magistrate jurisdiction to impose a fine of L.P.200 and/or imprisonment for two years. Section 6 of that Ordinance gave an accused person the right to elect to be tried by a British Magistrate.

3. For some time now the functions of British Magistrates have been performed by Palestinians. It has been decided to confer upon them a more appropriate title and in this Bill they are therefore referred to as "senior magistrates". Their jurisdiction remains the same, but the accused's right of election is taken away. Clause 31, however, provides that if election has been made prior to the enactment of this Bill, the case shall be tried by a senior magistrate.

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4. Sections 11-14 of the Magistrates' Courts Jurisdiction Ordinance, 1939, dealt with appeals to district courts from judgments of magistrates' courts. These sections have been re-arranged in clauses 12-16 of this Bill and the following modifications introduced :—

(i) In subsection (3) of section 11 of the Magistrates' Courts Jurisdiction Ordinance, 1939, the Attorney General was given a right of appeal on the ground "that the law was wrongly applied to the facts". The interpretation of this phrase has caused difficulty and the Supreme Court has commented on the desirability of clarification. In clause 12 of this Bill the following provisions have been substituted :—

"(b) that the law was misinterpreted;

(c) that the law was wrongly applied."

(ii) The Magistrates' Courts Jurisdiction Ordinance, 1939 did not specify the powers of a District Court when disposing of an appeal. These are now set out in clause 12, which is adapted from section 72 of the Criminal Procedure (Trial Upon Information) Ordinance.

Cap. 36.

5. Section 20 of the Magistrates' Courts Jurisdiction Ordinance, 1939, made provision, on amendment of the charge sheet, for finding an accused guilty of any offence, not more serious than that originally alleged. Clause 22 of this Bill removes the necessity of first amending the charge sheet, thereby bringing the practice of Magistrates' courts in this respect into line with trials upon information.

19th June, 1947.
(J/88/46)

M. J. HOGAN
Acting Attorney General.

NOTICE.

The following DRAFT ORDINANCE is made public prior to enactment in accordance with Article 17(1)(d) of the Palestine Order in Council, 1922, as amended by Article 3 of the Palestine (Amendment) Order in Council, 1923.

(G/104/46).

J. B. PRUEN
Clerk to the Advisory Council.

DRAFT.

AN ORDINANCE TO AMEND THE MUNICIPAL CORPORATIONS ORDINANCE, 1934.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof :—

Short title.

1. This Ordinance may be cited as the Municipal Corporations (Amendment No. 2) Ordinance, 1947, and shall be read and construed as one with the Municipal Corporations Ordinance, 1934, hereinafter referred to as "the principal Ordinance".

No. 1 of 1934.

Amendment of
section 99 of
the principal
Ordinance.

2. Section 99 of the principal Ordinance shall be amended by the repeal of subsection (8) thereof, and the substitution therefor of the following subsection, as subsection (8) thereof :—

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“(8) Notwithstanding anything in any other Ordinance or law contained, an official appointed under section 85 or section 86 may, if authorised by the Council so to do, do either or both of the following :—

No. 28 of 1936.

Cap. 33.

(a) exercise, in respect of any offence against any municipal by-law or any offence against the Town Planning Ordinance, 1936, which is specified in such authorisation, the powers conferred upon a police officer by the Criminal Procedure (Arrest and Searches) Ordinance;

No. 28 of 1936.

(b) appear and prosecute, either generally or in any particular prosecution, before any Court for any offence against any municipal by-law or any offence against the Town Planning Ordinance, 1936, specified in such authority.”

3. The Seventh Schedule to the principal Ordinance shall be amended by the substitution of a comma for the full stop appearing at the end of subregulation (2) of Regulation 7 thereof, and the insertion therein, immediately thereafter, of the following :—

Amendment of
the Seventh
Schedule to
the principal
Ordinance.

“and the returning officer shall forthwith, in writing, report the names of such candidates to the Commissioner, and the Commissioner shall cause their names to be published in the *Gazette*.”

OBJECTS AND REASONS.

Clause 2 of this Bill is designed to amend section 99 of the Municipal Corporations Ordinance, 1934, so that it will be possible for officials of a Municipal Corporation, authorised by the Municipal Council, to exercise in respect of an offence against any Municipal by-law or against the Town Planning Ordinance, 1936, the powers conferred upon a police officer by the Criminal Procedure (Arrest and Searches) Ordinance, as for example, the power to arrest without a warrant in certain cases, and the power to carry out searches of persons and premises. Such powers will be in addition to the powers which may be conferred upon such officials under the existing law.

Clause 3 of this Bill amends regulation 7(2) in the Seventh Schedule to the Ordinance, so as to provide that when, as a result of withdrawals by candidates, vacancies are filled without a poll, then the names of the persons so elected shall forthwith be reported to the District Commissioner and published by him in the *Gazette*. Similar provisions are already made for other elections by regulations 5 and 20(2) in the same Schedule.

22nd May, 1947.
(G/104/46)

M. J. HOGAN
Acting Attorney General.

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NOTICE.

The following DRAFT ORDINANCE is made public prior to enactment in accordance with Article 17(1)(d) of the Palestine Order in Council, 1922, as amended by Article 3 of the Palestine (Amendment) Order in Council, 1923.

15th July, 1947.
(J/82/43)

J. B. PRUEN
Clerk to the Advisory Council.

DRAFT.

AN ORDINANCE TO AMEND THE PARTNERSHIP ORDINANCE.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof :—

Short title.

1. This Ordinance may be cited as the Partnership (Amendment) Ordinance, 1947, and shall be read and construed as one with the Partnership Ordinance, hereinafter referred to as "the principal Ordinance".

Cap. 103.

Amendment of
section 8 of
the principal
Ordinance.

2. Section 8 of the principal Ordinance shall be amended—

(a) by the insertion in subsection (1) thereof, immediately after the words "specifying the nature of the change", of the following words :—

"and accompanied by such fees as may be prescribed by the High Commissioner to be payable on a statement of change and for its publication in the *Gazette*";

(b) by the renumbering of subsection (2) as subsection (3) thereof, and the insertion immediately after subsection (1) thereof, of the following subsection, as subsection (2) :

"(2) If, after the expiration of the term for which a partnership is entered into, the partnership is, or in accordance with the provisions of section 34 is presumed to be, continued, a statement, that the business of the partnership is being continued, signed by the firm and accompanied by such fees as may be prescribed by the High Commissioner to be payable on a statement of change and for its publication in the *Gazette*, shall within seven days, be sent by post or delivered to the Registrar."

Insertion of
new section, as
section 43A, in
the principal
Ordinance.

3. The principal Ordinance shall be amended by the insertion therein, immediately after section 43 thereof, of the following section, as section 43A thereof :—

"Registration
of dissolution.

43A.—(1) Where a partnership is dissolved in accordance with the provisions of this Ordinance, there shall be sent by post or delivered to the Registrar, within fourteen days from the date of the dissolution of such partnership, a statement containing the following particulars :—

(a) the firm name,

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- (b) particulars of registration of the partnership,
- (c) the date of the dissolution of the partnership,
- (d) the reason or cause for the dissolution of the partnership,

accompanied by such fees as may be prescribed by the High Commissioner to be paid on a statement of such dissolution and for its publication in the *Gazette*, and signed by the following persons, who shall be responsible for due compliance with the provisions of this subsection :—

- (i) in the case where the dissolution is due to the death of one of the partners, or to the fact that one of the partners has become of permanently unsound mind or in any other way permanently incapable of performing his part of the partnership contract, by each of the other persons who, immediately before such dissolution, were partners in such partnership,
- (ii) in any other case, by each of the persons who, immediately before such dissolution, were partners in such partnership.

(2) The Registrar shall cause the statement, or a summary thereof, to be published in the *Gazette* at the cost, jointly and severally, of the persons who, under the provisions of subsection (1), are required to sign such statement.

(3) If default is made in complying with the requirements of this section, each of the persons responsible for due compliance with the provisions of subsection (1) is guilty of an offence and is liable to a fine of one pound for each day during which the default continues.

(4) Notwithstanding anything contained in this Ordinance, the failure to register a dissolution of a partnership shall not be taken into account in considering whether or not such partnership has been dissolved."

4. Section 60 of the principal Ordinance shall be amended by the deletion of the word "Ordinance" appearing at the end thereof, and the substitution therefor of the word "Part".

Amendment of section 60 of the principal Ordinance.

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- (b) particulars of registration of the partnership,
 (c) the date of the dissolution of the partnership,
 (d) the reason or cause for the dissolution of the partnership,

accompanied by such fees as may be prescribed by the High Commissioner to be paid on a statement of such dissolution and for its publication in the *Gazette*, and signed by the following persons, who shall be responsible for due compliance with the provisions of this subsection :—

- (i) in the case where the dissolution is due to the death of one of the partners, or to the fact that one of the partners has become of permanently unsound mind or in any other way permanently incapable of performing his part of the partnership contract, by each of the other persons who, immediately before such dissolution, were partners in such partnership,
 (ii) in any other case, by each of the persons who, immediately before such dissolution, were partners in such partnership.

(2) The Registrar shall cause the statement, or a summary thereof, to be published in the *Gazette* at the cost, jointly and severally, of the persons who, under the provisions of subsection (1), are required to sign such statement.

(3) If default is made in complying with the requirements of this section, each of the persons responsible for due compliance with the provisions of subsection (1) is guilty of an offence and is liable to a fine of one pound for each day during which the default continues.

(4) Notwithstanding anything contained in this Ordinance, the failure to register a dissolution of a partnership shall not be taken into account in considering whether or not such partnership has been dissolved."

4. Section 60 of the principal Ordinance shall be amended by the deletion of the word "Ordinance" appearing at the end thereof, and the substitution therefor of the word "Part".

Amendment of section 60 of the principal Ordinance.

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Amendment of
section 61 of
the principal
Ordinance.

Repeal and
replacement of
section 64 of
the principal
Ordinance.

5. Section 61 of the principal Ordinance shall be amended by the deletion therefrom of the words "shall be a legal person and", appearing in the second line thereof.

6. Section 64 of the principal Ordinance shall be repealed, and the following section shall be substituted therefor :—

"Duty of
Registrar with
regard to
statements.

64.—(1) On receiving any statement made in compliance with any of the provisions of this Ordinance, the Registrar shall cause the statement to be filed, and shall send by post or deliver to the firm or other person from which or whom such statement was received, a certificate of the registration thereof.

(2) The certificate of registration issued under subsection (1), or a certified copy thereof, shall at all times be exhibited in a conspicuous position at the place of business of the firm :

Provided that the provisions of this subsection shall not apply to a certificate in respect of the registration of the dissolution of a partnership or of a statement that a firm registered under the provisions of Part IX ceased to carry on business in Palestine.

(3) (a) On receiving any statement purporting to have been made in compliance with any of the provisions of this Ordinance, but which, in his opinion, is not so made, the Registrar shall refuse to register such statement and shall send by post or deliver to the firm or other person from which or whom such statement was received, a notice of his refusal to register such statement.

(b) Where the Registrar under paragraph (a) refuses to register a statement, the firm or other person from which or whom such statement was received may appeal against his refusal to the High Commissioner within one month from the date of receipt of notice of such refusal.

(4) If default is made in complying with the requirements of subsection (2), the firm and every partner thereof is guilty of an offence and is liable to a fine of one pound for every day during which the default continues."

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Amendment of
section 65 of
the principal
Ordinance.

- "such fees as may be prescribed by the High-Commissioner."

Repeal and replacement of section 72 of the principal Ordinance.

72.—(1) If, while any firm registered under the provisions of this Part is carrying on business in Palestine, any change occurs in any of the matters, particulars whereof are required to be registered under this Part, a statement signed by the firm specifying the nature of the change and accompanied by such fees as may be prescribed by the High Commissioner to be paid on a statement of such change and for its publication in the *Gazette* shall be sent by post or delivered to the Registrar within fourteen days of the occurrence of such change.

(3) Where any firm registered under the provisions of this Part is dissolved, there shall be

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sent by post or delivered to the Registrar, within fourteen days from the date of the dissolution of such firm, a statement containing the following particulars :—

- (a) the firm name,
- (b) particulars of registration of the partnership,
- (c) the date of the dissolution of the partnership,
- (d) the reason or cause for the dissolution of the partnership,

accompanied by such fees as may be prescribed by the High Commissioner to be payable on such statement and for its publication in the *Gazette*, and signed by the following persons who shall be responsible for due compliance with the provisions of this subsection :—

- (i) in the case where the dissolution is due to the death of one of the partners, or to the fact that one of the partners has become of permanently unsound mind or in any other way permanently incapable of performing his part of the partnership contract, by each of the other persons who, immediately before such dissolution, were partners in such partnership,
- (ii) in any other case, by each of the persons who, immediately before such dissolution, were partners in such partnership.

(4) Where any firm registered under the provisions of this Part ceases to carry on business in Palestine, otherwise than by reason of its dissolution, there shall be sent by post or delivered to the Registrar, within fourteen days from the date of such cessation, a statement signed by the firm containing the following particulars :—

- (a) the firm name,
- (b) particulars of registration of the partnership,
- (c) the date of the cessation by the firm to carry on business in Palestine,

and accompanied by such fees as may be prescribed by the High Commissioner to be payable on such statement and for its publication in the

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Gazette, and each of the partners of the firm shall be responsible for due compliance with the provisions of this subsection.

(5) The Registrar shall cause the statement referred to in subsection (1), (2), (3) or (4), or a summary thereof, to be published in the *Gazette* at the cost, in the case of the statement referred to in subsection (1), (2) or (4), of the firm, and, in the case of the statement referred to in subsection (3), of the persons jointly and severally, who under the provisions of subsection (3) are required to sign such statement, and such publication as aforesaid shall be a notice to all persons of the facts therein stated.

(6) (a) If default is made in compliance with the requirements of subsection (1) or (2), each of the partners other than the limited partners, if any, is guilty of an offence and is liable to a fine of one pound for each day during which the default continues.

(b) If default is made in compliance with the requirements of subsection (3) or (4), each of the persons responsible for due compliance with the provisions of subsection (3) or (4), as the case may be, is guilty of an offence and is liable to a fine of one pound for each day during which the default continues.

(7) Notwithstanding anything contained in this Ordinance, the failure to register the dissolution of a firm registered under the provisions of this Part or a statement that such firm ceased to carry on business in Palestine, shall not be taken into account in considering whether or not such firm has been dissolved or has ceased to carry on business in Palestine, as the case may be."

OBJECTS AND REASONS.

This Bill is designed to amend several provisions of the Partnership Ordinance.

Under the provisions of section 8 of the principal Ordinance a statement has to be submitted of changes in the partnership, which occur during the continuance of the partnership. Clauses 2, 3 and 8 of this Bill provide that such statements will also be sent a) when a partnership continues to carry on business in Palestine after the expiry of the term for which such partnership was entered into, b) when any partnership is dissolved and c) when a partnership formed outside Palestine and

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registered under the provisions of Part IX of the Ordinance ceases to carry on business in Palestine. Amendments are also introduced to ensure that when statements are submitted they will be accompanied by the appropriate fees.

Clause 4 of this Bill corrects a minor error in section 60 of the principal Ordinance.

Clause 5 of this Bill, by deleting from section 61 of the principal Ordinance the provision that a partnership shall be a legal person, brings the Ordinance into line with the provisions of the United Kingdom Partnership Act.

Clause 6 of this Bill requires the Registrar to inform any firm of his refusal to register the statement produced by it and enables the firm to appeal to the High Court against such refusal.

In addition to these provisions certain maximum fees, which have been fixed by the provisions of section 65 of the principal Ordinance will be deleted by clause 7 of this Bill.

9th June, 1947
(J/82/43)

M. J. HOGAN
Acting Attorney General.

NOTICE.

The following DRAFT ORDINANCE is made public prior to enactment in accordance with Article 17(1)(d) of the Palestine Order in Council, 1922, as amended by Article 3 of the Palestine (Amendment) Order in Council, 1923.

21st July, 1947.
(F/Cit/151/46).

J. B. PRUEN
Clerk to the Advisory Council.

DRAFT.

AN ORDINANCE TO PROVIDE FOR THE REGULATION AND CONTROL OF THE MARKETING OF CITRUS FRUIT AND FOR PURPOSES INCIDENTAL THERETO AND CONNECTED THEREWITH.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof :—

Short title.

1. This Ordinance may be cited as the Citrus Marketing Ordinance, 1947.

Interpretation.

2. In this Ordinance—

“approved citrus contractor” means an approved citrus contractor as mentioned in sub-paragraph (2) of paragraph 8 of the Scheme;

“Board” means the Citrus Marketing Board appointed by the High Commissioner;

“citrus fruit” means any fruit of the genus citrus;

“exporter” includes an approved citrus contractor;

“packing materials” include any boxboard, paper, hoops,

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nails and any other materials used in the process of packing citrus fruit for export;

"scheduled citrus fruit" means any citrus fruit specified in the First Schedule;

"the Scheme" means the Citrus Marketing Scheme, 1947/48, set out in the Second Schedule, as amended from time to time and any scheme that may be substituted therefor."

3. The Board shall have the power —

Powers of Board.

(a) to make and enforce a scheme for the marketing of the 1947/48 crop of scheduled citrus fruit and, without prejudice to the generality of such power, the Board may by such a scheme —

(i) at its discretion enter, on behalf of exporters of scheduled citrus fruit, into any undertaking for the export or sale of any scheduled citrus fruit;

(ii) control and regulate prices of scheduled citrus fruit;

(iii) control and regulate the registration of exporters of scheduled citrus fruit;

(iv) provide for and regulate the rights and duties of citrus exporters and citrus growers in relation to exports and/or sales of scheduled citrus fruit;

(v) determine the relations between growers and exporters in connection with the picking, grading, packing, transport and marketing of scheduled citrus fruit and provide for the settlement of any dispute between growers and exporters:

Provided that —

(A) the Citrus Marketing Scheme, 1947/48 set out in the Second Schedule shall be deemed to be a scheme made by the Board under this section and shall be in force unless and until varied or revoked by a scheme made by the Board under this section;

(B) any act done by the Board prior to the coming into operation of this Ordinance purporting to be done in pursuance of the provisions of the Scheme shall be deemed to be done in accordance with the provisions of the Scheme;

(b) to purchase either in the country or abroad, manufacture, transport, store, insure, handle, and sell any packing materials in such quantities, at such prices and at such times as the Board may from time to time determine;

(c) to make such arrangements as the Board may deem necessary for the impregnation of citrus wrapping paper with Diphenyl or any other preservatives;

(d) to make arrangements for the treatment of citrus fruit in such a manner and by such means as the Board may deem

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necessary for the purpose of preventing wastage of such citrus fruit;

- (e) to acquire any such materials as the Board may deem necessary for controlling or preventing wastage of citrus fruit;
- (f) to hire, purchase and instal any such plant as the Board may deem necessary for controlling or preventing wastage of citrus fruit;
- (g) to hire any land or buildings required by the Board for storing or warehousing of any packing materials or for controlling or preventing wastage of citrus fruit;
- (h) to recover from any approved citrus contractor such share in the expenditure incurred or loss sustained by the Board in connection with the exercise of its powers under paragraphs (b), (c), (d), (e), (f) and (g) hereof, as the Board, with the approval of the High Commissioner, may from time to time determine:

Provided that all moneys so received shall be paid by the Board into a separate account at a bank to be approved by the High Commissioner and shall be applied by the Board in repayment of such expenditure or losses, including any loan obtained in connection therewith;

- (i) to retain temporarily, for the purpose of meeting claims by buyers, such part of the proceeds of sales of citrus fruit, sold and shipped in accordance with the Scheme, as the Board may determine;
- (j) to collect from any approved citrus contractor such sum as in the opinion of the Board may be required for the payment of any sum to any approved citrus contractor in pursuance of paragraph 10 of the Scheme or any paragraph replacing the same and to pay any such sum to such approved citrus contractor:

Provided that all moneys so collected shall be paid by the Board into a separate account at a bank to be approved by the High Commissioner and shall be applied by the Board in payment of such sum or sums;

- (k) to borrow at any time from the Government or any person approved by the High Commissioner, on such terms and conditions as the Board, with the approval of the High Commissioner, may determine, any sum required by the Board in connection with the exercise of the powers conferred on it by paragraphs (b), (c), (d), (e), (f) and (g) hereof:

Provided that —

- (i) all moneys so borrowed shall be paid by the Board into a separate account at a bank to be approved by the High

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Commissioner and shall be applied by the Board only for those purposes for which such moneys have been borrowed;

(ii) all moneys borrowed by the Board in connection with the exercise of the powers conferred on it by paragraphs (b) and (c) hereof shall be repaid out of the proceeds of sale of packing materials, realised during the period of twelve months commencing on the first day of August, 1947, with the exception that a sum equal to the price paid for packing materials, purchased by, but not delivered to, or delivered to, but not sold by, the Board, during the period of twelve months commencing on the first day of August, 1947, shall be repaid out of the proceeds of sale of such packing materials realised during the period of twelve months following such first-mentioned period, in so far as the same shall suffice.

4. No person, other than the Board, shall —

- (a) export (otherwise than by post in parcels of not more than ten kilogrammes net weight) or sell for export, any scheduled citrus fruit, save in accordance with the provisions of the Scheme and under the authority of, and in accordance with the terms and conditions of, a permit (hereinafter called an "export permit") granted by the Board;
- (b) export any citrus fruit other than scheduled citrus fruit (otherwise than by post in parcels of not more than ten kilogrammes net weight) save under the authority of a permit (hereinafter called an "export permit") granted by the Board.

5.—(1) The Board may grant any export permit required by the preceding section subject to such general or special conditions as the Board may think fit to impose and the person holding such permit shall comply with every condition so imposed.

(2) Without prejudice to the generality of the power conferred upon the Board under subsection (1), the Board may impose conditions as to all or any of the following matters:—

- (a) the quantity of any scheduled citrus fruit which any person may export or sell for export, at any one time or during any specified period;
- (b) the minimum or fixed price at which any scheduled citrus fruit may be sold on export or sold for export at any one time or during any specified period;
- (c) the payment to the Board of the following sums, that is to say —
- (i) 25 mils in respect of each case of any scheduled citrus fruit which is exported, or sold for export, packed in cases; and

Restriction on
export and sale
of citrus fruit.

Conditions
attached to
permit.

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(ii) 500 mils in respect of each 1,000 kilogrammes, or part thereof, of any scheduled citrus fruit which is exported, or sold for export, not packed in cases,

as a deposit to be applied, so far as the same may be necessary, towards the payment of any moneys which may become payable to the Board by any seller or exporter in respect of any such loss or damage as is referred to in paragraph 11 of the Scheme.

Application for
and form of
permit, and
fees payable.

6.—(1) Any person wishing to obtain an export permit shall make a written application therefor to the Board, and such permit, if granted, shall be issued upon payment of the fee set out in the Fourth Schedule, or upon satisfactory security for the payment of such fee being given to the Board.

(2) An export permit issued by the Board shall be valid for the period specified therein and shall be in the form set out in the Third Schedule.

Permit fees
to form part
of revenue of
the Board.

7. All permit fees paid to the Board shall form part of the revenue of the Board.

Revocation and
suspension of
permits.

8.—(1) The Board may, at any time, without assigning any reason for so doing, revoke or suspend any export permit, or vary the period of validity, or conditions of, any export permit.

(2) If any export permit is revoked or suspended by the Board, the holder thereof shall forthwith deliver it up to the Board.

Permits to be
produced for
inspection.

9. Any person claiming to be the holder of any export permit shall on demand by any police officer or any person authorised in that behalf by the Board produce for inspection such permit to the person making the demand.

Persons to keep
books and other
records.

10. Every person to whom an export permit has been granted shall keep books, registers, accounts or other records which shall contain complete, correct and up-to-date particulars relating to all his dealings in citrus fruit for which an export permit is required and shall produce on demand for inspection by any police officer or any person authorised in that behalf by the Board such books, registers, accounts or other records.

Power to enter
and inspect.

11. With a view to securing compliance with, or detection of evasion of, the provisions of this Ordinance or the conditions of any export permit, any police officer or any person authorised in that behalf by the Board may at any time enter and inspect any place wherein or whereon he has reasonable grounds for believing that any citrus fruit is stored or dealt with, and for that purpose may examine anything found at, in or on such place and require any

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person to furnish him with any information and documents which may be in the possession of such person and which may be necessary for securing such compliance.

12. If any police officer or person authorised in that behalf by the Board, acting in the course of his duty as such, has reasonable grounds for believing that a contravention of the provisions of this Ordinance has been committed in relation to any citrus fruit, he may seize and detain such citrus fruit and also any books, documents or any other things, if he suspects that they contain evidence of the commission of such a contravention, with a view to the institution of proceedings in respect thereof.

Power to seize
and detain.

* 13.—(1) Any person who, either by himself or by his servant, employee, or agent —

Offences and
penalties.

- (a) contravenes any of the provisions of this Ordinance, or
- (b) contravenes any condition of an export permit, or
- (c) alters any export permit or uses any export permit granted to any other person, or lends to, or allows to be altered, or used by, or lent to, any other person, any export permit granted to him, or makes or has in his possession, or under his control, any document so closely resembling such a permit as to be calculated to deceive, or
- (d) fails to comply with any demand made under this Ordinance,

shall be guilty of an offence :

Provided that no person shall be convicted of an offence against paragraph (c) of this subsection if he proves to the satisfaction of the court before which he is tried that he did the act in respect of which he is charged for a reasonable and justifiable cause and with out intent to deceive any person.

(2) Any person guilty of an offence under this Ordinance shall—

- (a) if tried under the provisions of the Magistrates' Courts Jurisdiction Ordinance, 1939, be liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine, or
- (b) if tried upon information under the provisions of the Criminal Procedure (Trial Upon Information) Ordinance, be liable on conviction to imprisonment for a term not exceeding three years or to a fine not exceeding five hundred pounds, or to both such imprisonment and such fine.

No. 45 of 1939.

Cap. 36.

14. The Board may delegate to any person all or any of the powers and functions conferred upon it by this Ordinance in rela-

Delegation of
powers.

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tion to the granting, revocation, suspension, alteration or variation of export permits.

Application.

15. This Ordinance shall apply to all citrus fruit of the 1947/48 crop.

FIRST SCHEDULE.

(Section 2).

Grapefruit;
Lemons;
Shamuti Oranges;
Valencia Oranges.

SECOND SCHEDULE.

(Section 2).

CITRUS MARKETING SCHEME 1947/48.

Citation.

1. This Scheme may be cited as the Citrus Marketing Scheme 1947/48.

Interpretation.

2. In this Scheme, unless the context otherwise requires—

“approved citrus contractor” means a person or body of persons who or which is to be referred to as an “approved citrus contractor” in accordance with sub-paragraph (2) of paragraph 8;

“Arab” includes non-Jew;

“Citrus-grower” means a person who is the owner of a citrus grove of not less than five dunums;

“Committee of supervision” means a committee formed in accordance with sub-paragraph (f)(i) of paragraph 12;

“finally approved exporter” means a person who has received final approval from the Board as a citrus exporter under paragraph 7;

“Notice” means the Notice to Citrus Growers and Exporters published in the *Gazette* No. 1589, dated the 19th June, 1947, at page 647;

“the Pool” means the pool formed in accordance with sub-paragraph (1) of paragraph 12;

“scheduled countries” means any country specified in the Fifth Schedule.

Application.

3. This Scheme shall apply to all scheduled citrus fruit of the 1947/48 crop.

Restriction on export or sale.

4.—(1) No person, other than the Board, shall export (otherwise than by post in parcels of not more than ten kilogrammes net weight) any scheduled citrus fruit to any scheduled countries;

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Provided that the British Ministry of Food may, subject to the approval of the Board, export any scheduled citrus fruit to the United Kingdom of Great Britain and Northern Ireland.

(2) No person, other than an approved citrus contractor, shall sell to the British Ministry of Food any scheduled citrus fruit for export.

(3) No person, other than an approved citrus contractor who can prove to the satisfaction of the Board that he obtained firm orders for any scheduled citrus fruit of the 1947/48 crop at prices not below the minimum fixed by the Board, shall export (otherwise than by post in parcels of not more than ten kilogrammes net weight) any scheduled citrus fruit to any country other than a scheduled country.

(4) No citrus grower shall be entitled to participate in any such export or sale unless and until he is linked to a finally approved exporter.

(5) No approved citrus contractor shall, without the written permission of the Board, export or sell or deliver for export any scheduled citrus fruit in packing materials other than those supplied by the Board.

5.—(1) No person wishing to act as a citrus exporter shall enter into any linking agreement with any grower unless and until he is a provisionally approved citrus exporter.

Provisional approval.

(2) Where an application in the form set out in the Sixth Schedule for such provisional approval has been submitted to the Board within the time limit specified in the Notice, and the Board has approved such application, the applicant shall be deemed to be a provisionally approved citrus exporter.

6.—(1) Where a citrus grower, after having received from the Board a list of persons provisionally approved by it as citrus exporters and a linking form, has delivered the original of such linking form to the provisionally approved exporter to whom he wishes to be linked and the duplicate thereof duly completed to the Board within the time limit specified in the Notice, such grower shall, subject to the provisions of paragraph 7, be deemed to be linked to such exporter for the purpose of the Scheme.

Linking.

(2) Where a cooperative society of citrus growers, after having furnished the Board with a list of all its members within the time limit specified in the Notice, and after having received from the Board a list of persons provisionally approved by it as citrus exporters and a linking form, has delivered the original of such linking form to the provisionally approved exporter to whom it wishes to be linked and the duplicate thereof, duly completed by

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(3) No citrus grower who is a member of a cooperative society of citrus growers shall link himself to any person other than the said cooperative society unless and until he has obtained the written consent of the said cooperative society to his so doing and has produced such consent to the Board.

(4) In the event of any grower having returned to the Board, within the time limit specified in the Notice, the original and duplicate of his linking form together with a declaration in writing that he has not been able to find a provisionally approved exporter willing to be linked with him on a commission basis, the Board may, if the grower so desires, require any provisionally approved exporter to link with the grower concerned on a commission basis.

7.—(1) Every person who has obtained provisional approval from the Board as a citrus exporter under paragraph 5, and has submitted to the Board within the time limit specified in the Notice an application in the form set out in the Eighth Schedule, shall be entitled to receive final approval as a citrus exporter if —

(a) in the case of a citrus exporter other than a cooperative society, he is linked to citrus growers in respect of bearing groves of scheduled citrus fruit owned by them and comprising a total area of not less than 1,500 metric dunums, and he has furnished the Board with a bank guarantee to the satisfaction of the Board in the amount of one pound in respect of each metric dunum of the said total area, or five thousand pounds, whichever is the smaller amount:

(b) in the case of a cooperative society, it is linked to citrus growers in respect of bearing groves of scheduled citrus fruit owned by them and comprising a total area of not less than 1,250 metric dunums, and it has furnished the Board with a bank guarantee to the satisfaction of the Board in the amount of five hundred mils in respect of each metric dunum of the said total area or two thousand five hundred pounds, whichever is the smaller amount.

(2) The Board may at any time, without assigning any reason for doing so, revoke or cancel the approval of a citrus exporter given under the provisions of this paragraph.

(3) Bank guarantee in this paragraph means an unconditional undertaking by a bank, approved by the Board, to pay to the Board on demand the sum for which the guarantee is given.

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8.—(1) In the event of there being more than twelve finally approved exporters from either the Arab or the Jewish section of the citrus growing community, the Board may require any two or more of the finally approved exporters from such section to combine themselves within the time limit specified in the Notice or such other time thereafter, as the Board may determine, into a body legally capable of concluding contracts, so that the number of such bodies together with the number of finally approved exporters from such section who have not been required by the Board so to combine shall not exceed twelve.

(2) Every body composed of two or more of finally approved exporters who have combined in accordance with sub-paragraph (1), and every finally approved exporter who has not been required by the Board so to combine, shall be referred to as an "approved citrus contractor".

(3) The combination of any two or more finally approved exporters in accordance with sub-paragraph (1) shall not affect the relationship between such finally approved exporters and the citrus growers to whom they are respectively linked.

(4) The Board shall not —

(a) grant any export permit in respect of any scheduled citrus fruit, or

(b) allocate any share in any sale of any scheduled citrus fruit arranged by the Board,

to any person other than an approved citrus contractor.

9. Every approved citrus contractor shall deliver to the Board, or to a person designated by the Board, such quantity of such scheduled citrus fruit, at such time, and at such place, as may be specified by the Board in written instructions to such approved citrus contractor.

10. The quantity of any scheduled citrus fruit which the Board may under paragraph 9 instruct any approved citrus contractor to deliver in order to fulfil any contract for the sale of such fruit by, or through the agency of, the Board shall be determined in accordance with the following provisions :—

(1) There shall be awarded to each Arab or Jewish approved citrus contractor one share per metric dunum in respect of each metric dunum of bearing groves of scheduled citrus fruit, which has been estimated in 1947 by a Fruit Inspector of the Department of Agriculture and Fisheries and two representatives appointed by the Board, to yield not less than 15 cases of such fruit per dunum, and in respect of which such citrus contractor is linked to Arab or Jewish citrus growers respectively.

Power of Board to require finally approved exporters to combine.

Approved citrus contractor to comply with instructions of the Board.

Quantities of scheduled citrus fruit to be delivered by each approved citrus contractor.

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Provided that upon a resolution of the Board published in the *Gazette*, the Board may award shares in accordance with any proposal submitted to it, on or prior to the 10th day of August, 1947, by approved citrus contractors from either the Arab or the Jewish citrus growing community representing a majority of the total number of metric dunums of bearing groves of scheduled citrus fruit in respect of which all contractors from that section of the citrus growing community are linked, or in accordance with such proposal as modified by the Board and agreed to by such contractors.

- (2)(a) The quantities of grapefruit, lemons, shamuti oranges or valencia oranges which any approved citrus contractor may be instructed by the Board to deliver as aforesaid shall bear to the respective total quantities of grapefruit, lemons, shamuti oranges or valencia oranges which are to be delivered by all the approved citrus contractors of his section of the citrus growing community in order to fulfil any contract as aforesaid, the same proportion as the number of shares awarded to such approved citrus contractor in accordance with sub-paragraph (1) bears to the total number of shares awarded to all approved citrus contractors of his section of the citrus growing community in respect of grapefruit, lemons, shamuti oranges or valencia oranges; as the case may be, in accordance with sub-paragraph (1).
- (b)(i) There shall be deducted from the quantity of scheduled citrus fruit which the Board may instruct any approved citrus contractor to deliver in accordance with sub-paragraph (2)(a) the quantity of cased scheduled citrus fruit exported by any such approved citrus contractor to countries other than scheduled countries and the quantity so deducted shall be distributed to all approved citrus contractors in the proportion provided in sub-paragraph (2)(a).
- (ii) If a deduction as aforesaid has been made, a bonus of 50 mils in respect of each case of scheduled citrus fruit so deducted shall be paid to any approved citrus contractor from whose quantity of scheduled citrus fruit such deduction was made, out of a special fund to be formed by the Board from contributions at the rate of 50 mils in respect of each case of scheduled citrus fruit so deducted, by those approved citrus contractors to whom such distribution as aforesaid has been made. The deduction and distributions as aforesaid shall be made by the Board on the 1st January, the 1st February and the 1st of March, 1948.
- (iii) If an approved citrus contractor has delivered the whole quantity of scheduled citrus fruit which he has been in-

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structed by the Board to deliver, so that the deduction as aforesaid cannot be made, such approved citrus contractor shall pay to a special fund an amount at a rate to be determined by the Board which will be based upon the approximate average value of a case of fruit exported to scheduled citrus countries at that time. The amount so received shall be distributed to all approved citrus contractors in the proportion provided in sub-paragraph (2)(a).

(c)(i) There shall be deducted from the quantity of scheduled citrus fruit which the Board may instruct any approved citrus contractor to deliver in accordance with sub-paragraph (2)(a), any quantity of scheduled citrus exported by any such approved citrus contractor, in bulk to Syria, Lebanon, Transjordan and Egypt at the rate of 5 cases for every ton so exported and the quantity so deducted shall be distributed to all the other approved citrus contractors of the section of the citrus growing community which has not participated in such export to Syria, Lebanon, Transjordan and Egypt, in the proportion provided in sub-paragraph (2)(a).

(ii) If an approved citrus contractor and all other approved citrus contractors of his section of the citrus growing community have delivered the whole quantity of scheduled citrus fruit, which they have been instructed by the Board to deliver, so that the deduction as aforesaid cannot be made, such approved citrus contractor shall pay to a special fund an amount at a rate to be determined by the Board, which will be based upon the approximate average value of five cases of fruit exported to scheduled citrus countries at that time, for every ton of fruit exported to Syria, Lebanon, Transjordan and Egypt. The amount so received shall be distributed to approved citrus contractors of the other section of the citrus growing community in the proportion provided in sub-paragraph (2)(a).

11. (a) Any approved citrus contractor who fails to comply with any instructions given to him by the Board under paragraph 9, or who fails to fulfil any undertaking entered into on his behalf by the Board under section 3 of the Ordinance, shall be liable for any loss or damage resulting from his said failure, and, without prejudice to the said liability of such approved citrus contractor, the Board shall be entitled to carry out or fulfil, or cause to be carried out or fulfilled, such instructions or undertaking, and if it does so and any loss or damage results from its so doing, such approved citrus contractor shall be liable to indemnify the Board for such loss or damage.

Liability of approved citrus contractor for any loss or damage.

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(b) In any case where the Board has paid to any purchaser of any scheduled citrus fruit any amount by way of damages or compensation in respect of scheduled citrus fruit delivered to such purchaser by the Board not being in conformity with the terms of the agreement subsisting between the Board and such purchaser, the approved citrus contractor, who has delivered such scheduled citrus fruit to the Board for export, shall be liable to pay the Board any amount paid by the Board by way of damages or compensation as aforesaid, if the Board is of the opinion that such approved citrus contractor is at fault.

Provided that prior to enforcement of payment of any such amount, an opportunity shall be given to such approved citrus contractor to prove that he was not at fault.

(c) Nothing contained in sub-paragraph (b) shall preclude the Board from exercising the powers conferred on it by sub-paragraph (2) of paragraph 7.

Provisions governing relations between citrus growers and finally approved exporters.

12. Where a citrus grower has not sold his crop outright to a citrus exporter but has arranged for it to be marketed for his own account on a commission basis, the relations between citrus growers and finally approved exporters to whom they are linked, in the execution of this Scheme, shall be governed by the following provisions :—

- (a) The grower shall place at the disposal of the exporter all scheduled citrus fruit on the trees of his grove and shall not pick, or sell, or otherwise dispose of, directly or indirectly, any part of such fruit save with the prior consent in writing of the exporter.
- (b) The exporter shall be entitled to sell, or otherwise dispose of, the grower's fruit at the prices from time to time fixed by the Board.
- (c) The grower shall pay to the exporter, as an inclusive remuneration for his services and overhead expenses in connection with the export, sale or marketing of the grower's fruit, a commission not exceeding :—
 - (i) where the fruit is packed in cases, 50 mils per case;
 - (ii) where the fruit is not packed in cases, 750 mils per 1000 kilogrammes, or part thereof.
- (d) (i) Where an exporter, being an approved citrus contractor, has received under paragraph 9 written instructions from the Board to deliver any quantity of any scheduled citrus fruit, he shall require every grower linked to him in respect of such scheduled citrus fruit to deliver to him, and every such grower shall be entitled to deliver to such exporter,

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a quantity which bears to such first-mentioned quantity the same proportion as the number of shares which would be awarded to such grower in accordance with sub-paragraph (1) of paragraph (10), if such grower were an approved citrus contractor bears to the total number of shares which would be awarded to all the growers linked to such exporter in respect of such scheduled citrus fruit in accordance with sub-paragraph (1) of paragraph (10) if each such grower were an approved citrus contractor.

- (ii) Where an exporter is one of two or more finally approved exporters who have combined in accordance with sub-paragraph (1) of paragraph 8, the quantity of any scheduled citrus fruit which such exporter shall deliver to the Board, or to any person designated by the Board, in order that the approved citrus contractor constituted by such two or more finally approved exporters may be able to comply with written instructions received from the Board under paragraph 9 to deliver any quantity of any scheduled citrus fruit, shall be a quantity which bears to the quantity which such approved citrus contractor is required to deliver as aforesaid the same proportion as the number of shares, which would be awarded to such exporter in accordance with sub-paragraph (1) of paragraph 10, if such exporter were an approved citrus contractor, bears to the total number of shares which would be awarded to all such finally approved exporters together in accordance with sub-paragraph (1) of paragraph 10 if they were approved citrus contractors, and the quantity of such scheduled citrus fruit which such exporter shall require each grower linked to him to deliver to him and which each such grower shall be entitled to deliver to such exporter, shall be determined in accordance with sub-paragraph (d)(i) as if such exporter were an approved citrus contractor and the quantity which such exporter is hereunder required to deliver to the Board, or to any person designated by the Board, were the quantity which such exporter is required to deliver in accordance with written instructions received from the Board under paragraph 9.
- (c) If the scheduled citrus fruit in any grove of a grower is not sufficient to enable the grower to deliver to the exporter the whole, or any part, of any quantity of scheduled citrus fruit which the grower is entitled to deliver in accordance with sub-paragraph (d) the grower shall, save where his title as grower has been acquired by reason of his purchase of the 1947/48 crop of the grove, have the right to require the exporter in writing to take delivery of the whole, or such part, of such quantity of scheduled citrus fruit from any

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other grove of such grower in respect of which the grower is linked to such exporter. If such right is not exercised by the grower within twenty-four hours of his being required by the exporter in writing to deliver the said fruit, the exporter shall be at liberty to take delivery of the whole, or such part, of such quantity of scheduled citrus fruit from all the other growers linked with him in respect of such scheduled citrus fruit in the proportions determined in the manner specified in sub-paragraph (d).

- (f) (i) Every finally approved exporter, not being a cooperative society of citrus growers, shall invite all growers linked with him to elect from among themselves at least two, and not more than four, growers who, together with him, shall form a committee to be known as a "Committee of Supervision" whose function shall be to settle amicably all disputes between him and any grower linked with him and to ensure that delivery is taken by the exporter of any quantity of scheduled citrus fruit which the grower is entitled to deliver to the exporter in accordance with sub-paragraph (d), and that the proceeds of sales of scheduled citrus fruit are distributed by the exporter in accordance with this Scheme among the various growers linked to him. The Committee of Supervision shall be entitled to seek expert advice on all matters arising under the Scheme.
- (ii) The exporter shall immediately upon the formation of the Committee of Supervision forward to the Board a return containing the names, descriptions and addresses of the members constituting the said Committee of Supervision duly signed by the said members.
- (iii) In the event of the Committee of Supervision failing to settle any dispute between a grower and an exporter the said dispute shall be referred to a Board of Arbitration appointed, or to be appointed, for this purpose by the Chairman of the Citrus Marketing Board, and the decision of such Board of Arbitration shall be final.
- (g) The exporter shall have the right, with the approval of the Committee of Supervision, to postpone taking delivery of the whole or any part, of any quantity of scheduled citrus fruit, which the grower is entitled to deliver to him in accordance with sub-paragraph (d).
- (h) If for any special reason approved by the Committee of Supervision the grower shall not at any time be required by the exporter to deliver any quantity of scheduled citrus fruit which he is entitled to deliver to the exporter in accordance with sub-paragraph (d), and the grower has such fruit avail-

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able in his grove, the grower shall be entitled to participate in the distribution of the Pool in respect of the whole or such part of such quantity of scheduled citrus fruit, as the case may be, as if he had delivered it from his grove, but the whole, or such part, of such quantity of scheduled citrus fruit shall remain at the disposal of the exporter.

(i) If the exporter picks, grades, packs and transports the fruit of the grower, the exporter, his agents and labourers shall have the right to select such fruit from the grove as he or they in his or their discretion shall deem fit. The Pool shall bear any loss or damage occasioned by any defective picking, grading, packing or transport of the fruit, and the share in the pool of each grower shall be diminished accordingly.

(j) the grower shall have the right to take and dispose of the "Brara" for his own account.

(k) The exporter shall keep proper books of accounts and shall enter therein separately the proceeds of sales of the several varieties of scheduled citrus fruit, and the said books shall during all reasonable business hours be open for inspection by the Committee of Supervision.

(l) The proceeds of sales of the scheduled citrus fruit of all the growers linked to an exporter shall, after deduction of the cost of picking, packing, grading and transport of the fruit and of the commission payable to the exporter in accordance with sub-paragraph (c), form a pool, herein referred to as "the Pool", which shall be deposited in a special bank account which may be operated in the name of the exporter.

(m) Subject to the provisions of sub-paragraph (h), the amounts standing to the credit of the Pool in respect of the several varieties of scheduled citrus fruit shall be distributed between all the growers linked to the exporter in proportion to the number of cases and/or weight of fruit obtained from each grower.

THIRD SCHEDULE.

(Section 6(2)).

Form C.M.B. 23.

CITRUS MARKETING BOARD.

Export or Selling Permit.

Issued under the Citrus Marketing Ordinance, 1947.

..... of having paid
(address)

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the prescribed fee is hereby authorised by the Citrus Marketing Board to export to :

sell for export

the quantity of citrus fruit specified hereunder :—

(1) cases of packed.....

(2) kilogrammes of not packed in cases on condition that the selling price shall not be less than £P..... per and that there are paid to the Citrus Marketing Board the following sums, that is to say—

(i) 25 mils in respect of each case of packed in cases; and

(ii) 500 mils in respect of each 1000 kilogrammes, or part thereof, of..... not packed in cases;

as security for the payment to the Citrus Marketing Board of any moneys which may be payable to the Citrus Marketing Board in respect of any such loss and damage as is referred to in paragraph 11 of the Citrus Marketing Scheme, 1947/48.

This permit is valid for the period from until Fee paid £P..... mils.

Date

.....
Officer issuing the permit
for Citrus Marketing Board.

(NOTE :— This permit does not relieve the holder thereof of any obligation to obtain, where required by law, any export licence).

FOURTH SCHEDULE.

(Section 6(1)).

<i>Class of Permit</i>	<i>Fee</i>
Permit to export, or to sell for export, any citrus fruit or scheduled citrus fruit —	
(a) packed in cases	Two mils per case.
(b) not packed in cases	Forty mils per 1,000 kilogrammes, or part thereof.

FIFTH SCHEDULE.

(Paragraph 2).

- | | | |
|--|-------------|--------------------|
| 1. United Kingdom of Great Britain and Northern Ireland. | 3. Sweden. | 7. Netherlands. |
| 2. Eire. | 4. Norway. | 8. Switzerland. |
| | 5. Denmark. | 9. Czechoslovakia. |
| | 6. Belgium. | |

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SIXTH SCHEDULE.

• (Paragraph 5).

Form C.M.B.25.

CITRUS MARKETING BOARD.

CITRUS MARKETING SCHEME, 1947/48.

APPLICATION FOR PROVISIONAL APPROVAL AS A CITRUS EXPORTER.

Name of Applicant :

Postal Address :

Telephone No. :

Established in the year :

Description of the Applicant's firm
if owned by more than one personCooperative Society,
Limited Liability Company,
Partnership (Names of partners) :

Applicant's Bankers :

I am aware that an essential condition for obtaining final confirmation as a citrus exporter is for a provisionally approved exporter (a) to satisfy the Citrus Marketing Board that not less than 1,500 dunums (or 1,250 dunums if the intending exporter is a cooperative society of citrus growers), of bearing citrus groves have been linked with him for the 1947/48 citrus season, and (b) to furnish the Board with a Banker's guarantee in an amount of £P.1 per linked dunum but not exceeding £P.5000 (or £P.0.500 per dunum but not exceeding £P.2,500 if the exporter is a cooperative society of citrus growers).

I am further aware that, should the number of exporters finally confirmed as such exceed 12 in any of the two sections of the citrus growing community, then the Citrus Marketing Board may require any two or more of the finally approved Arab or Jewish exporters to combine into not more than 12 bodies legally capable of concluding contracts and that export licences or a share in sales arranged by the Board will be granted only to such bodies which shall be known as "approved citrus contractors".

I undertake, in case I am finally confirmed by the Board as an exporter, to conform with and adhere to all provisions of the Citrus Marketing Scheme, 1947/48.

Place :

Date : Signature of Applicant.

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SEVENTH SCHEDULE.

(Paragraph 6).

Form C.M.B. 24.

ORIGINAL
DUPLICATE

CITRUS MARKETING BOARD.

THE CITRUS MARKETING SCHEME, 1947/48.

LINKING DECLARATION—1947/48 CITRUS CROP.

C.C.B. No. of the Grove Village

PART A.

1. Person(s) in whose name the land of the
grove C.C.B. No. is registered :— Address Share if Musha'

(1).....

(2).....

(3).....

(4).....

2. (FOR OFFICIAL USE ONLY). Total number of dunums under citrus
Description of grove. according to survey 1945

Block No.	Parcel No.	Bearing citrus area in metric dunums in 1947					Total
		Shamutis	Valencias	Grapefruit	Lemons	Others	

TOTAL

3. I/We hereby declare that the above-mentioned details are true, that I am/we are entitled to dispose of the crop of the grove concerned, and that an agreement has been entered into by which the control for marketing purposes of the shamuti and valencia oranges, the grapefruit and the lemons, of the 1947/48 crop, of the said grove has been vested in the exporter named below.

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(To be completed by the Exporter).

- Signature of exporter
- Name of exporter (in block letters)
- Business address of exporter
- P.O. Box Telephone
- Date, 1947.

Witness to signature of exporter.

Name and address of witness

EIGHTH SCHEDULE.

(Paragraph 7).

Form C.M.B. 26.

CITRUS MARKETING BOARD.

CITRUS MARKETING SCHEME, 1947/48.

APPLICATION FOR REGISTRATION AS AN APPROVED CITRUS EXPORTER.

1. Name of applicant
Business address
Postal address
Telephone

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Reference: **FO** 371 / 61869

- The provisions of this Bill which are designed to provide for the control of citrus fruit of the 1947/48 crop are substantially the same as the provisions of the Citrus Marketing Ordinance, 1946. There are, however, some differences.

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In the first place this Bill provides for the control of all citrus fruit in addition to the regulation and marketing of scheduled citrus fruit, i.e. grapefruit, lemons, shamuti oranges and valencia oranges. Secondly the powers of the Board have been extended to cover —

1. acquisition of packing materials with a view to distributing them between the approved citrus contractors;
2. arrangements for the purpose of impregnating citrus wrapping paper with Diphenyl or other preservatives and for the treatment of citrus fruit with a view to preventing wastage;
3. acquisition of materials and plant and hire of land or buildings for the purpose of preventing wastage of citrus fruit;
4. recovery from approved citrus contractors of a share in the expenditure incurred by the Board in the exercise of these powers;
5. retention from the proceeds of sale of citrus fruit due to approved citrus contractors, of sums for the purpose of meeting claims by buyers of such citrus fruit on account of delivery of fruit of inferior quality or non-delivery or other default;
6. collection of moneys from approved citrus contractors for the purpose of making monetary adjustment between such contractors in the event of unequal participation in exports;
7. borrowing of moneys required by the Board in connection with the exercise of powers conferred on it.

With a view to the expansion of the local citrus industry, private exports to countries other than scheduled countries will be permitted under the provisions of the 1947/48 Scheme. Provision, however, has been made in this Scheme to ensure equal participation in such exports by all citrus exporters. This object will be achieved by monetary or other adjustments between exporters, which will be effected by the Board.

Certain preparatory work in connection with the enforcement of the said Scheme had to be done before this Bill becomes law. Consequently the public has been notified by a Notice to Citrus Growers and Exporters published in the *Gazette* No. 1589, dated 19th June, 1947, at page 647, that a new Scheme will come into force and that applications for linking and approval as exporters should be submitted to the Board within the time limit specified in that Notice.

M. J. HOGAN
Acting Attorney General.

2nd July, 1947.
(F/Cit/151/46).

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Reference:

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NOTICE.

The following DRAFT ORDINANCE is made public prior to enactment in accordance with Article 17(1)(d) of the Palestine Order in Council, 1922, as amended by Article 3 of the Palestine (Amendment) Order in Council, 1923.

18th July, 1947.
(M/31/46)

J. B. PRUEN
Clerk to the Advisory Council.

DRAFT.

AN ORDINANCE TO AMEND THE DENTISTS ORDINANCE, 1945.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof :—

Short title. 1. This Ordinance may be cited as the Dentists (Amendment) Ordinance, 1947, and shall be read and construed as one with the Dentists Ordinance, 1945, hereinafter referred to as "the principal Ordinance".

Amendment of section 8 of the principal Ordinance. 2. Subsection (1) of section 8 of the principal Ordinance shall be amended by the insertion immediately after the words "such persons" appearing in the last line of the proviso thereto, of the following words and commas :—

" , one of whom shall be the Attorney General's representative, "

Insertion of new section, section 16A, in the principal Ordinance. 3. The principal Ordinance shall be amended by the insertion therein, immediately after section 16 thereof, of the following section, as section 16A :—

"Report of conviction of person authorised to practise dentistry.

16A. Subject to such exemptions as may be provided for by directions given by the Chief Justice, it shall be the duty of the Registrar of the Court, or, if there be no Registrar, of the Magistrate of the Court, by which any person authorised to practise dentistry is convicted of any offence, forthwith to report to the Director the fact of such conviction and to forward to him—

- (a) a copy of a written statement of charge or a copy of the information, as the case may be, filed in the proceedings which resulted in such conviction; and
- (b) a copy of the judgment and sentence delivered in respect of such person authorised to practise dentistry upon his conviction by such Court,

and such copies shall be certified as correct by such Registrar or Magistrate as the case may be."

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11. (a) Any approved citrus contractor who fails to comply with any instructions given to him by the Board under paragraph 9, or who fails to fulfil any undertaking entered into on his behalf by the Board under section 3 of the Ordinance, shall be liable for any loss or damage resulting from his said failure, and, without prejudice to the said liability of such approved citrus contractor, the Board shall be entitled to carry out or fulfil, or cause to be carried out or fulfilled, such instructions or undertaking, and if it does so and any loss or damage results from its so doing, such approved citrus contractor shall be liable to indemnify the Board for such loss or damage.

Liability of approved citrus contractor for any loss or damage.

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Reference: **FO** 371 / 61869

(b) In any case where the Board has paid to any purchaser of any scheduled citrus fruit any amount by way of damages or compensation in respect of scheduled citrus fruit delivered to such purchaser by the Board not being in conformity with the terms of the agreement subsisting between the Board and such purchaser, the approved citrus contractor, who has delivered such scheduled citrus fruit to the Board for export, shall be liable to pay the Board any amount paid by the Board by way of damages or compensation as aforesaid, if the Board is of the opinion that such approved citrus contractor is at fault :

Provided that prior to enforcement of payment of any such amount, an opportunity shall be given to such approved citrus contractor to prove that he was not at fault.

(c) Nothing contained in sub-paragraph (b) shall preclude the Board from exercising the powers conferred on it by sub-paragraph (2) of paragraph 7.

Provisions governing relations between citrus growers and finally approved exporters.

12. Where a citrus grower has not sold his crop outright to a citrus exporter but has arranged for it to be marketed for his own account on a commission basis, the relations between citrus growers and finally approved exporters to whom they are linked, in the execution of this Scheme, shall be governed by the following provisions :—

- (a) The grower shall place at the disposal of the exporter all scheduled citrus fruit on the trees of his grove and shall not pick, or sell, or otherwise dispose of, directly or indirectly, any part of such fruit save with the prior consent in writing of the exporter.
- (b) The exporter shall be entitled to sell, or otherwise dispose of, the grower's fruit at the prices from time to time fixed by the Board.
- (c) The grower shall pay to the exporter, as an inclusive remuneration for his services and overhead expenses in connection with the export, sale or marketing of the grower's fruit, a commission not exceeding :—
 - (i) where the fruit is packed in cases, 50 mils per case;
 - (ii) where the fruit is not packed in cases, 750 mils per 1000 kilogrammes, or part thereof.
- (d) (i) Where an exporter, being an approved citrus contractor, has received under paragraph 9 written instructions from the Board to deliver any quantity of any scheduled citrus fruit, he shall require every grower linked to him in respect of such scheduled citrus fruit to deliver to him, and every such grower shall be entitled to deliver to such exporter,

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a quantity which bears to such first-mentioned quantity the same proportion as the number of shares which would be awarded to such grower in accordance with sub-paragraph (1) of paragraph (10), if such grower were an approved citrus contractor bears to the total number of shares which would be awarded to all the growers linked to such exporter in respect of such scheduled citrus fruit in accordance with sub-paragraph (1) of paragraph (10) if each such grower were an approved citrus contractor.

(ii) Where an exporter is one of two or more finally approved exporters who have combined in accordance with sub-paragraph (1) of paragraph 8, the quantity of any scheduled citrus fruit which such exporter shall deliver to the Board, or to any person designated by the Board, in order that the approved citrus contractor constituted by such two or more finally approved exporters may be able to comply with written instructions received from the Board under paragraph 9 to deliver any quantity of any scheduled citrus fruit, shall be a quantity which bears to the quantity which such approved citrus contractor is required to deliver as aforesaid the same proportion as the number of shares, which would be awarded to such exporter in accordance with sub-paragraph (1) of paragraph 10, if such exporter were an approved citrus contractor, bears to the total number of shares which would be awarded to all such finally approved exporters together in accordance with sub-paragraph (1) of paragraph 10 if they were approved citrus contractors, and the quantity of such scheduled citrus fruit which such exporter shall require each grower linked to him to deliver to him and which each such grower shall be entitled to deliver to such exporter, shall be determined in accordance with sub-paragraph (d)(i) as if such exporter were an approved citrus contractor and the quantity which such exporter is hereunder required to deliver to the Board, or to any person designated by the Board, were the quantity which such exporter is required to deliver in accordance with written instructions received from the Board under paragraph 9.

(e) If the scheduled citrus fruit in any grove of a grower is not sufficient to enable the grower to deliver to the exporter the whole, or any part, of any quantity of scheduled citrus fruit which the grower is entitled to deliver in accordance with sub-paragraph (d) the grower shall, save where his title as grower has been acquired by reason of his purchase of the 1947/48 crop of the grove, have the right to require the exporter in writing to take delivery of the whole, or such part, of such quantity of scheduled citrus fruit from any

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other grove of such grower in respect of which the grower is linked to such exporter. If such right is not exercised by the grower within twenty-four hours of his being required by the exporter in writing to deliver the said fruit, the exporter shall be at liberty to take delivery of the whole, or such part, of such quantity of scheduled citrus fruit from all the other growers linked with him in respect of such scheduled citrus fruit in the proportions determined in the manner specified in sub-paragraph (d).

- (f) (i) Every finally approved exporter, not being a cooperative society of citrus growers, shall invite all growers linked with him to elect from among themselves at least two, and not more than four, growers who, together with him, shall form a committee to be known as a "Committee of Supervision" whose function shall be to settle amicably all disputes between him and any grower linked with him and to ensure that delivery is taken by the exporter of any quantity of scheduled citrus fruit which the grower is entitled to deliver to the exporter in accordance with sub-paragraph (d), and that the proceeds of sales of scheduled citrus fruit are distributed by the exporter in accordance with this Scheme among the various growers linked to him. The Committee of Supervision shall be entitled to seek expert advice on all matters arising under the Scheme.
- (ii) The exporter shall immediately upon the formation of the Committee of Supervision forward to the Board a return containing the names, descriptions and addresses of the members constituting the said Committee of Supervision duly signed by the said members.
- (iii) In the event of the Committee of Supervision failing to settle any dispute between a grower and an exporter the said dispute shall be referred to a Board of Arbitration appointed, or to be appointed, for this purpose by the Chairman of the Citrus Marketing Board, and the decision of such Board of Arbitration shall be final.
- (g) The exporter shall have the right, with the approval of the Committee of Supervision, to postpone taking delivery of the whole or any part, of any quantity of scheduled citrus fruit, which the grower is entitled to deliver to him in accordance with sub-paragraph (d).
- (h) If for any special reason approved by the Committee of Supervision the grower shall not at any time be required by the exporter to deliver any quantity of scheduled citrus fruit which he is entitled to deliver to the exporter in accordance with sub-paragraph (d), and the grower has such fruit avail-

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able in his grove, the grower shall be entitled to participate in the distribution of the Pool in respect of the whole or such part of such quantity of scheduled citrus fruit, as the case may be, as if he had delivered it from his grove, but the whole, or such part, of such quantity of scheduled citrus fruit shall remain at the disposal of the exporter.

- (i) If the exporter picks, grades, packs and transports the fruit of the grower, the exporter, his agents and labourers shall have the right to select such fruit from the grove as he or they in his or their discretion shall deem fit. The Pool shall bear any loss or damage occasioned by any defective picking, grading, packing or transport of the fruit, and the share in the pool of each grower shall be diminished accordingly.
- (j) the grower shall have the right to take and dispose of the "Brara" for his own account.
- (k) The exporter shall keep proper books of accounts and shall enter therein separately the proceeds of sales of the several varieties of scheduled citrus fruit, and the said books shall during all reasonable business hours be open for inspection by the Committee of Supervision.
- (l) The proceeds of sales of the scheduled citrus fruit of all the growers linked to an exporter shall, after deduction of the cost of picking, packing, grading and transport of the fruit and of the commission payable to the exporter in accordance with sub-paragraph (c), form a pool, herein referred to as "the Pool", which shall be deposited in a special bank account which may be operated in the name of the exporter.
- (m) Subject to the provisions of sub-paragraph (h), the amounts standing to the credit of the Pool in respect of the several varieties of scheduled citrus fruit shall be distributed between all the growers linked to the exporter in proportion to the number of cases and/or weight of fruit obtained from each grower.

THIRD SCHEDULE.

(Section 6(2)).

Form C.M.B. 23.

CITRUS MARKETING BOARD.

Export or Selling Permit.

Issued under the Citrus Marketing Ordinance, 1947.

..... of having paid
(address)

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Reference: **FO 371 / 61869**

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the prescribed fee is hereby authorised by the Citrus Marketing Board to export to :

sell for export

the quantity of citrus fruit specified hereunder :—

- (1)cases of packed.....
 (2) kilogrammes of not packed in cases on condition that the selling price shall not be less than £P..... per and that there are paid to the Citrus Marketing Board the following sums, that is to say—

- (i) 25 mils in respect of each case of packed in cases; and
 (ii) 500 mils in respect of each 1000 kilogrammes, or part thereof, of..... not packed in cases,

as security for the payment to the Citrus Marketing Board of any moneys which may be payable to the Citrus Marketing Board in respect of any such loss and damage as is referred to in paragraph 11 of the Citrus Marketing Scheme, 1947/48.

This permit is valid for the period from until
 Fee paid £P..... mils.

.....
*Officer issuing the permit
 for Citrus Marketing Board.*

Date

(NOTE :— This permit does not relieve the holder thereof of any obligation to obtain, where required by law, any export licence).

FOURTH SCHEDULE. (Section 6(1)).

<i>Class of Permit</i>	<i>Fee</i>
Permit to export, or to sell for export, any citrus fruit or scheduled citrus fruit —	
(a) packed in cases	Two mils per case.
(b) not packed in cases	Forty mils per 1,000 kilogrammes, or part thereof.

FIFTH SCHEDULE. (Paragraph 2).

- | | | |
|--|-------------|--------------------|
| 1. United Kingdom of Great Britain and Northern Ireland. | 3. Sweden. | 7. Netherlands. |
| 2. Eire. | 4. Norway. | 8. Switzerland. |
| | 5. Denmark. | 9. Czechoslovakia. |
| | 6. Belgium. | |

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SIXTH SCHEDULE.

(Paragraph 5).

Form C.M.B.25.

CITRUS MARKETING BOARD.

CITRUS MARKETING SCHEME, 1947/48.

APPLICATION FOR PROVISIONAL APPROVAL AS A CITRUS EXPORTER.

Name of Applicant

Postal Address :

Telephone No. :

Established in the year :

Description of the Applicant's firm
if owned by more than one personCooperative Society,
Limited Liability Company,
Partnership (Names of partners) :
.....
.....

Applicant's Bankers :

I am aware that an essential condition for obtaining final confirmation as a citrus exporter is for a provisionally approved exporter (a) to satisfy the Citrus Marketing Board that not less than 1,500 dunums (or 1,250 dunums if the intending exporter is a cooperative society of citrus growers), of bearing citrus groves have been linked with him for the 1947/48 citrus season, and (b) to furnish the Board with a Banker's guarantee in an amount of £P.1 per linked dunum but not exceeding £P.5000 (or £P.0.500 per dunum but not exceeding £P.2,500 if the exporter is a cooperative society of citrus growers).

I am further aware that, should the number of exporters finally confirmed as such exceed 12 in any of the two sections of the citrus growing community, then the Citrus Marketing Board may require any two or more of the finally approved Arab or Jewish exporters to combine into not more than 12 bodies legally capable of concluding contracts and that export licences or a share in sales arranged by the Board will be granted only to such bodies which shall be known as "approved citrus contractors".

I undertake, in case I am finally confirmed by the Board as an exporter, to conform with and adhere to all provisions of the Citrus Marketing Scheme, 1947/48.

Place :

Date : Signature of Applicant.

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SEVENTH SCHEDULE.

(Paragraph 6).

Form C.M.B. 24.

ORIGINAL
DUPLICATE

CITRUS MARKETING BOARD.

THE CITRUS MARKETING SCHEME, 1947/48.

LINKING DECLARATION—1947/48 CITRUS CROP.

C.C.B. No. of the Grove Village

PART A.

1. Person(s) in whose name the land of the
grove C.C.B. No. is registered :— Address Share if Musha'

(1).....

(2).....

(3).....

(4).....

2. (FOR OFFICIAL USE ONLY). Total number of dunums under citrus
Description of grove. according to survey 1945

Block No.	Parcel No.	Bearing citrus area in metric dunums in 1947					Total
		Shamutis	Valencias	Grapefruit	Lemons	Others	

TOTAL

3. I/We hereby declare that the above-mentioned details are true, that I am/we are entitled to dispose of the crop of the grove concerned, and that an agreement has been entered into by which the control for marketing purposes of the shamuti and valencia oranges, the grapefruit and the lemons, of the 1947/48 crop, of the said grove has been vested in the exporter named below.

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Name of exporter

Address

Signature of owner of grove/crop
 person entitled to dispose of the crop

Name of person entitled to dispose of the crop (in block letters).....

Address of person entitled to dispose of the crop.....

Witness to signature

Name and address of witness

PART B.

(To be completed by the Exporter).

4. I/We hereby declare that to the best of my/our knowledge and belief the information given overleaf is correct and that an agreement has been entered into between myself/ourselves and the owner(s) of the grove/crop or the person(s) entitled to dispose of the crop or his/their representative by which the control for marketing purposes of the shamuti and valencia oranges, the grapefruit and the lemons of the 1947/48 crop, of the said grove has been vested in me/us.

Signature of exporter

Name of exporter (in block letters)

Business address of exporter

P.O. Box Telephone

Date, 1947.

Witness to signature of exporter.....

Name and address of witness

EIGHTH SCHEDULE.

(Paragraph 7).

Form C.M.B. 26.

CITRUS MARKETING BOARD.

CITRUS MARKETING SCHEME, 1947/48.

APPLICATION FOR REGISTRATION AS AN APPROVED CITRUS EXPORTER.

1. Name of applicant
- Business address
- Postal address
- Telephone
- Applicant's bankers
- Name of person responsible for management of applicant's business if not himself

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- (a) I/We hereby declare that an agreement has been entered into between myself/ourselves and the owners of the crops of citrus groves listed in the attached "Schedule of linked groves" by which the control for marketing purposes of all shamuti oranges, valencia oranges, grapefruit and lemons of the 1947/48 crop, of the said groves has been vested in me/us.
- (b) I/We declare that I/we have read and/or understood the Citrus Marketing Scheme, 1947/48, and I/we undertake to conform with and adhere to all provisions of the said Scheme.
- (c) I/We undertake, if required by the Citrus Marketing Board to do so, combine myself/ourselves with other approved exporters into a body legally capable of concluding contracts it being understood that export licences and export of other sales allocations will be granted only to "Approved Citrus Contractors" for re-allocation amongst their respective "Approved Exporters".

Signature of Applicant

Date

2. FOR OFFICIAL USE ONLY.

In accordance with the records of the Citrus Grove Inspection (1947) Reports (as determined jointly by a Government Fruit Inspector and two representatives of the Board), the aggregate area of bearing citrus trees linked with the applicant as shown in the attached schedule of linked groves consists of the following varieties of citrus metric dunums :—

Shamuti Oranges	dunums
Valencia Oranges	dunums
Lemons	dunums
Grapefruit	dunums
Total	dunums

The above total bearing citrus area linked with the applicant is not less than 1,500 dunums (or 1,250 dunums if he is a cooperative society of citrus growers) and therefore he is hereby approved as a citrus exporter for the 1947/48 has not been citrus export season.

(Sgd.)
for Citrus Marketing Board

Date

OBJECTS AND REASONS.

The provisions of this Bill which are designed to provide for the control of citrus fruit of the 1947/48 crop are substantially the same as the provisions of the Citrus Marketing Ordinance, 1946. There are, however, some differences.

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2. arrangements for the purpose of impregnating citrus wrapping paper with Diphenyl or other preservatives and for the treatment of citrus fruit with a view to preventing wastage;
3. acquisition of materials and plant and hire of land or buildings for the purpose of preventing wastage of citrus fruit;
4. recovery from approved citrus contractors of a share in the expenditure incurred by the Board in the exercise of these powers;
5. retention from the proceeds of sale of citrus fruit due to approved citrus contractors, of sums for the purpose of meeting claims by buyers of such citrus fruit on account of delivery of fruit of inferior quality or non-delivery or other default;
6. collection of moneys from approved citrus contractors for the purpose of making monetary adjustment between such contractors in the event of unequal participation in exports;
7. borrowing of moneys required by the Board in connection with the exercise of powers conferred on it.

With a view to the expansion of the local citrus industry, private exports to countries other than scheduled countries will be permitted under the provisions of the 1947/48 Scheme. Provision, however, has been made in this Scheme to ensure equal participation in such exports by all citrus exporters. This object will be achieved by monetary or other adjustments between exporters, which will be effected by the Board.

Certain preparatory work in connection with the enforcement of the said Scheme had to be done before this Bill becomes law. Consequently the public has been notified by a Notice to Citrus Growers and Exporters published in the *Gazette* No. 1589, dated 19th June, 1947, at page 647, that a new Scheme will come into force and that applications for linking and approval as exporters should be submitted to the Board within the time limit specified in that Notice.

M. J. HOGAN
Acting Attorney General.

2nd July, 1947.
(F/Cit/151/46).

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18th July, 1947.
(M/31/46)

J. B. PRUEN
Clerk to the Advisory Council.

DRAFT.

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BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof :—

Short title. 1. This Ordinance may be cited as the Dentists (Amendment) Ordinance, 1947, and shall be read and construed as one with the Dentists Ordinance, 1945, hereinafter referred to as "the principal Ordinance".

Amendment of section 8 of the principal Ordinance. 2. Subsection (1) of section 8 of the principal Ordinance shall be amended by the insertion immediately after the words "such persons" appearing in the last line of the proviso thereto, of the following words and commas :—

" , one of whom shall be the Attorney General's representative, "

Insertion of new section, section 16A, in the principal Ordinance. 3. The principal Ordinance shall be amended by the insertion therein, immediately after section 16 thereof, of the following section, as section 16A :—

"Report of conviction of person authorised to practise dentistry.

16A, Subject to such exemptions as may be provided for by directions given by the Chief Justice, it shall be the duty of the Registrar of the Court, or, if there be no Registrar, of the Magistrate of the Court, by which any person authorised to practise dentistry is convicted of any offence, forthwith to report to the Director the fact of such conviction and to forward to him—

(a) a copy of a written statement of charge or a copy of the information, as the case may be, filed in the proceedings which resulted in such conviction; and

(b) a copy of the judgment and sentence delivered in respect of such person authorised to practise dentistry upon his conviction by such Court,

and such copies shall be certified as correct by such Registrar or Magistrate as the case may be."

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The proposed amendments will bring the provisions of the principal Ordinance into line with the provisions of the proposed Medical Practitioners Ordinance, 1947.

M. J. HOGAN
Acting Attorney General.

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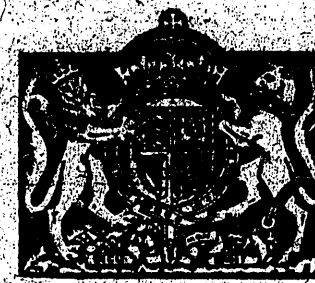
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Supplement No. 3
to
The Palestine Gazette No. 1609 of 4th September, 1947.

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NOTICE.

The following DRAFT ORDINANCE is made public prior to enactment in accordance with Article 17(1)(d) of the Palestine Order in Council, 1922, as amended by Article 3 of the Palestine (Amendment) Order in Council, 1923.

30th August, 1947.
(J/5/46).

J. B. PRUEN
Clerk to the Advisory Council

DRAFT

AN ORDINANCE TO AMEND THE LAND COURTS ORDINANCE

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof :—

1. This Ordinance may be cited as the Land Courts (Amendment) Ordinance, 1947, and shall be read and construed as one with the Land Courts Ordinance, hereinafter referred to as "the principal Ordinance".

Short title

Cap. 75

2. Subsection (1) of section 11 of the principal Ordinance (as enacted by section 2 of the Land Courts (Amendment) Ordinance, 1946) shall be amended by the repeal of the proviso to paragraph (a) thereof.

Amendment of
section 11 of the
principal
Ordinance.
No. 16 of 1946.

3. Where, prior to the coming into force of this Ordinance, a party to any action in a land court has applied under the provisions of the proviso to paragraph (a) of subsection (1) of section 11 of the principal Ordinance (as enacted by section 2 of the Land Courts

Saving.

No. 16 of 1946.

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(Amendment) Ordinance, 1946) that such action shall be tried by a president or a relieving president sitting alone, such action shall be tried by a president or relieving president sitting alone.

OBJECTS AND REASONS.

Where the subject matter of an action in a Land Court exceeds £P.250 the Court consists of a president or a relieving president or one or more other judge or judges of a District Court, but any party to the action has a right to elect trial before a president or relieving president sitting alone. The Draft Courts (Amendment) Ordinance, 1947, contains provisions abolishing the right of election of trial on Courts of Criminal Assize and District Courts by a British judge sitting alone, and it is intended to abolish that right also in cases before Land Courts. Clause 2 of this Bill is designed to give effect to this intention.

2. Clause 3 of this Bill provides for the hearing by a British judge sitting alone of land court actions where any party has elected such trial before this Bill becomes law.

L. B. GIBSON
Attorney General.

(J/5/46)

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FOREIGN OFFICE, S.W.1.

~~9th October, 1947.~~

No.
(E 8645/568/31)

Dear Henry
~~My Lord,~~ 9

Dear & friendly,
My Lord, In ordinary circumstances we should have asked you to

I shall be grateful if Your Lordship will notify the Government to which you are accredited that the Government of Palestine propose to amend the Courts Ordinance of 1940 in such a manner as to abolish the existing right of election, whereby a party in a case before the Court of Criminal Assize or a District Court is entitled to claim that a British Judge shall try his case. The Government of Palestine also propose to introduce a bill amending the procedure in Magistrates' Courts and Land Courts, so as to bring this into conformity with that now proposed for the higher Courts.

2. The origin of the right of election is as follows. Certain Powers possessed capitulatory rights in Palestine under the Turkish régime. When Palestine became a British Mandate, it was decided that the capitulations should be suspended but that a particular obligation in regard to the administration of justice should be placed on the Mandatory Power. Article IX of the Mandate accordingly laid down that "The Mandatory shall be responsible for seeing that the judicial system in Palestine shall assure to foreigners, as well as to natives, a complete guarantee of their rights."

3. This article of the Mandate was originally implemented by an Order-in-Council giving nationals of any European or American State and of Japan the special rights mentioned in paragraph 1 above. These rights were gradually extended so as to apply, first to all foreigners, and, in 1935, to all persons in Palestine whether foreigners or Palestinians.

4. Palestine has now reached a stage in her development where it is no longer considered either necessary or advisable to draw any distinction between British and Palestinian judges. These considerations are reinforced by the increase in the volume of litigation and the shortage of British judges. The action proposed by the Government of Palestine is analogous to that taken by the Syrian and Lebanese Governments when, by agreement with His Majesty's Government and the Governments of France and the United States, they abolished the "Mixed Courts" dealing with all cases concerning the rights and property of foreigners and substituted a new system whereby such cases were taken by local judges in the same courts as cases concerning Syrian and Lebanese nationals.

5. His Majesty's Government do not foresee any objection to these proposals, but have thought it preferable, as a matter of courtesy, to give advance notice of them to the French and United States Governments. *As, however, we*

~~His Excellency,
The Right Honourable~~

Lord Inverchapel, G.C.M.G.

Washington.

Washington.
practical effect. Furthermore, to ~~now~~ make a formal notification of these changes at the present juncture might cast doubt upon our the genuineness of our

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Yours ever
F. Easton

~~I am, with great truth and respect,
My Lord,
Your Excellency's obedient Servant,
(For the Secretary of State)~~

Yours ever

Eastern Dept.

 $15/4$

Reflected the action of the...
The...
And...
The...

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19th November, 1947.

Dear Chancery,

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6. We are sending a similar letter to the Chancery at Washington.

Chancery,
British Embassy,

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19th November, 1947.

(E 8645/568/31)

Dear Chancery,

In ordinary circumstances we should have asked you to notify the United States Government that the Government of Palestine propose to amend the Courts Ordinance of 1940 in such a manner as to abolish the existing right of election whereby a party in a case before the Court of Criminal Assize or a District Court is entitled to claim that a British Judge shall try his case. The Government of Palestine also propose to introduce a Bill amending the procedure also Magistrates' Courts and Land Courts, so as to bring this into conformity with that now proposed for the higher Courts.

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5. We do not foresee any objection to these proposals but would normally have thought it preferable, as a matter of courtesy, to give advance notice of them to the French and United States Governments. As, however, we have announced our intention to withdraw from Palestine in the near future, these alterations to the judicial system of Palestine will have little practical effect. Furthermore, to make a formal notification of these changes at the present juncture might cast doubt, upon the genuineness of our decision to withdraw. We leave it to your discretion, therefore, whether or not to communicate the information to the United States Government, but suggest that this should, in any case, be done informally.

6. We are sending a similar letter to the Chancery at Paris.

Yours ever,
EASTERN DEPARTMENT.

The Chancery,
British Embassy,
Washington.

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